Senate Bill No. 158

CHAPTER 73

An act to amend, repeal, and add Section 6103.10 of the Government Code, to amend Sections 25144.6, 25150.84, 25178.1, 25200, 25200.2, 25200.3, 25201.4.1, 25201.5, 25201.6, 25204.7, 25205, and 25205.21 of, to amend, renumber, and add Section 25110.3 of, to amend and repeal Sections 25174.1, 25174.2, 25174.6, 25174.7, 25205.3, 25205.4, 25205.12, 25205.14, 25205.15, and 25218.6 of, to amend, repeal, and add Sections 25160, 25173.6, 25174, 25175, 25205.2, 25205.5, 25205.5.1, 25205.6, 25205.16, 25205.22, 25207.12, 25250.24, and 25404.5 of, to add Sections 25174.01, 25174.02, 25174.8, 25187.3, 25200.05, 25200.25, 25200.27, 25205.2.1, 25205.5.01, 25205.6.1, 25246.1, 25246.2, and 25355.3 to, to add Article 2.1 (commencing with Section 25125) to Chapter 6.5 of Division 20 of, to repeal Sections 25135.1, 25135.2, 25135.3, 25135.4, 25135.5, 25135.6, 25135.7, 25135.7.5, 25135.8, 25135.9, 25174.11, 25205.9, and 25205.20 of, and to repeal and add Section 25135 of, the Health and Safety Code, and to amend Sections 43053, 43054, 43101, 43152, 43152.8, 43152.9, and 43160 of, to amend and repeal Sections 43051, 43151, 43152.12, and 43152.15 of, to amend, repeal, and add Sections 43002.3, 43012, 43152.6, and 43152.7 of, and to repeal Sections 43005.5, 43055, 43152.11, 43152.16, and 43153 of, the Revenue and Taxation Code, relating to hazardous waste, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor July 12, 2021. Filed with Secretary of State July 12, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 158, Committee on Budget and Fiscal Review. Hazardous waste.

(1) The hazardous waste control laws require the Department of Toxic Substances Control to regulate the handling and management of hazardous waste and hazardous materials. A violation of the hazardous waste control laws is a crime.

This bill would establish the Board of Environmental Safety in the department, consisting of 5 members, with 3 members appointed by the Governor subject to confirmation by the Senate, one member appointed by the Senate Committee on Rules, and one member appointed by the Speaker of the Assembly. The bill would require the board to perform certain activities, including setting of fees related to the handling of hazardous substances and hazardous waste, hearing appeals of hazardous waste facility permitting decisions, and conducting a specified analysis. The bill would establish an office of the ombudsperson in the board to receive complaints and suggestions from the public, to evaluate complaints received, to report

findings and make recommendations to the Director of Toxic Substances Control and the board, and to render assistance to the public. The bill would require the director and the chairperson of the board to, when requested, but no less than annually, appear before the appropriate policy committees in the Assembly and Senate to provide an update on the department's performance, as provided.

(2) Existing law requires a person who disposes of hazardous waste in this state to pay a disposal fee for the disposal of hazardous waste to land, based on the type of waste placed in the disposal site. Existing law imposes, except for certain specified exceptions, a manifest fee for each California Hazardous Waste Manifest form or electronic equivalent used by a person. Existing law authorizes the Department of Toxic Substances Control to impose an annual verification fee on certain generators, transporters, and facility operators that possess a valid identification number issued by the Department of Toxic Substances Control or by the United States Environmental Protection Agency.

This bill would make the provisions establishing the disposal fee, manifest fee, and verification fee inoperative on January 1, 2022, or July 1, 2022, as applicable.

(3) Existing law requires specified money to be deposited in the Hazardous Waste Control Account, including money from the disposal fee, generator fee, facility fee, and manifest fee, from specified fees for the oversight of corrective action, and from the federal government pursuant to the federal Resource Conservation and Recovery Act of 1976. Existing law authorizes funds deposited in the account to be expended, upon appropriation by the Legislature, for specified purposes, including for the administration and implementation of the hazardous waste control laws, including, but not limited to, for programs regulating specific products, including, among others, metal-containing jewelry, lead wheel weights, and consumer products.

This bill, on January 1, 2022, would revise those provisions to require the generation and handling fee to be deposited in the account, as discussed in paragraph (4), and to authorize other money to be deposited in the account only if that money is for costs at sites that are not operated by authorized hazardous waste facilities, as provided. The bill would revise the purposes for which money may be expended from the account and would prohibit expenditure from the account for hazardous waste regulatory activities at sites operated by an authorized hazardous waste facility and for other specified programs regulating specific products under the hazardous waste control laws. The bill would additionally authorize expenditure from the account to the Department of Toxic Substances Control for costs incurred by the Board of Environmental Safety, as provided. The bill would make other conforming changes.

This bill, on July 1, 2022, would establish the Hazardous Waste Facilities Account in the Hazardous Waste Control Account, to be administered by the Director of Toxic Substances Control. The bill would require specified money for costs at sites operated by authorized hazardous waste facilities

to be deposited in the Hazardous Waste Facilities Account, as provided. The bill would authorize expenditure from the Hazardous Waste Facilities Account, upon appropriation by the Legislature, for specified purposes relating to hazardous waste regulatory activities at sites operated by an authorized hazardous waste facility or related to the owner or operator of an authorized hazardous waste facility, as provided.

(4) Existing law requires a generator of hazardous waste who generated 5 or more tons of hazardous waste in the prior calendar year to pay a generator fee, pursuant to a tiered payment structure, based on a specified base rate. Existing law authorizes the California Department of Tax and Fee Administration to annually adjust the base rate to reflect the increase or decrease in the cost of living, as provided. Existing law provides certain exemptions to the generator fee. Existing law requires the generator fee to be deposited in the Hazardous Waste Control Account. Existing law requires the California Department of Tax and Fee Administration, upon appropriation by the Legislature, to pay refunds to generators from surplus funds in the Hazardous Waste Control Account, as provided.

This bill, on January 1, 2022, would repeal the generator fee and would instead require a generator to pay to the California Department of Tax and Fee Administration a generation and handling fee of $49.25 for each ton or fraction of a ton of hazardous waste generated, except as specified. The bill would require the Board of Environmental Safety to establish by regulation a schedule of rates for the generation and handling fee to be applicable commencing July 1, 2023, and would authorize the board to adjust that schedule no more frequently than annually, subject to specified requirements, but not to exceed a specified amount. The bill would require the generation and handling fee to be deposited in the Hazardous Waste Control Account. The bill would not extend certain generator fee exemptions to the generation and handling fee. The bill would repeal the provision requiring the California Department of Tax and Fee Administration to provide refunds to generators from surplus funds in the Hazardous Waste Control Account. Because the failure to pay the generation and handling fee would be a crime, the bill would impose a state-mandated local program.

(5) Existing law requires an operator of a hazardous waste facility to pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility. Existing law sets the amount of the facility fee in a flat amount for facilities with a postclosure permit or a standardized permit and sets the facility fee for all other facilities pursuant to a tiered payment structure, based on a specified base rate. Existing law requires the California Department of Tax and Fee Administration to annually adjust the base rate to reflect the increase or decrease in the cost of living, as provided. Existing law provides certain exemptions to the facility fee, including, among others, for household hazardous waste collection facilities and facilities operated by a local government agency. Existing law requires the facility fee to be deposited in the Hazardous Waste Control Account.

This bill, on July 1, 2022, would increase the base rate and revise the tiered payment structure for the facility fee, as provided. The bill would require the Board of Environmental Safety to establish by regulation a schedule of rates for the facility fees to be applicable commencing July 1, 2023, and would authorize the board to adjust that schedule no more frequently than annually, subject to specified requirements, but not to exceed specified amounts. The bill would make those exemptions to the facility fee inoperative on July 1, 2022. The bill would require the facility fee to be deposited in the Hazardous Waste Facilities Account, instead of the Hazardous Waste Control Account.

(6) Existing law establishes the Toxic Substances Control Account in the General Fund and requires that specified funds be deposited in that account, including the charge imposed on organizations that use, generate, store, or conduct activities in this state related to hazardous materials, and penalties imposed pursuant to the hazardous waste control laws or the Carpenter-Presley-Tanner Hazardous Substance Account Act. Existing law authorizes the appropriation of funds from the Toxic Substances Control Account to the Department of Toxic Substances Control for specified purposes, including, among other things, site remediation and response costs. Existing law, known as the green chemistry program, requires the Department of Toxic Substances Control to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered as being chemicals of concern.

This bill would authorize the appropriation of funds from the Toxic Substances Control Account for the green chemistry program and for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties. The bill, on January 1, 2022, would additionally authorize the appropriation of funds from the Toxic Substances Control Account for certain programs under the hazardous waste control laws that regulate specific products, including, among others, metal-containing jewelry and lead wheel weights.

(7) Existing law requires the Department of Toxic Substances Control to provide the California Department of Tax and Fee Administration with a schedule of codes identifying the types of organizations that use, generate, store, or conduct activities in the state related to hazardous materials. Existing law requires each organization type identified in the schedule to pay an annual tax at a specified amount based on the number of employees at the organization, which is deposited in the Toxic Substances Control Account. Existing law requires the California Department of Tax and Fee Administration to annually adjust those amounts to reflect the increase or decrease in the cost of living, as provided.

This bill would increase the amount of that tax and would require the schedule of rates for the tax on and after July 1, 2023, to be established by regulation by the Board of Environmental Safety no more frequently than annually, subject to specified requirements, but not to exceed specified amounts.

(8) Existing law requires the Department of Toxic Substances Control to prepare and adopt a state hazardous waste management plan with certain elements, to be reviewed annually and revised at least every 3 years. Existing law requires the state hazardous waste management plan to be prepared in conjunction with, and to take into account, hazardous waste management plans adopted by counties and regional councils of governments.

This bill would repeal these provisions and instead require the Department of Toxic Substances Control, by March 1, 2023, and every 3 years thereafter, to prepare, and post on its internet website, a report that includes an analysis of available data related to hazardous waste that includes specified components. The bill would require the Department of Toxic Substances Control, by March 1, 2025, and every 3 years thereafter, to prepare a state hazardous waste management plan based on the report, to be presented to the Board of Environmental Safety for approval. The bill would require the state hazardous waste management plan to include a baseline of the amount and types of hazardous waste generated and disposed of in the state, among other components. The bill would authorize the department, with approval from the Department of Finance, to enter into necessary contracts to procure subject matter expertise or other technical assistance to implement these requirements.

(9) Existing law requires the Department of Toxic Substances Control to, among other things, issue hazardous waste facilities permits to facilities handling hazardous waste. Existing law mandates that any hazardous waste facilities permit issued by the department, including a standardized permit, shall be for a fixed term, which shall not exceed 10 years for any land disposal facility, storage facility, incinerator, or other treatment facility. Existing law requires an owner or operator of a hazardous waste facility intending to extend the term of a hazardous waste facilities permit to submit a complete Part A application for a hazardous waste facilities permit renewal and, at any time following submittal of the Part A application, a complete Part B application and any other information requested by the department. Existing law provides that when a complete Part A application, and any other information requested by the department, has been submitted to the department prior to the end of the hazardous waste facilities permit's fixed term, the hazardous waste facilities permit is deemed extended until the department approves or denies the hazardous waste facilities permit renewal application and the owner or operator of the hazardous waste facility has exhausted all applicable rights of appeal.

This bill would mandate that a hazardous waste facilities permit, including a standardized permit, shall be for a fixed term, not to exceed 10 years, regardless of the type of hazardous waste facility. The bill would provide for the extension of an existing hazardous waste facilities permit or standardized permit if certain criteria are met, including, but not limited to, that the owner or operator of the hazardous waste facility submits a Part A and Part B application for renewal of the permit prior to the expiration of the permit and the Part A and Part B application is deemed complete, as provided. The bill would provide that, upon meeting these criteria, a

hazardous waste facilities permit or standardized permit is deemed extended until the department approves the renewal application and a new permit is effective or the department denies the permit renewal application and all parties have exhausted all applicable rights of appeal.

This bill would require an owner or operator of a hazardous waste facility with a hazardous waste facilities permit or standardized permit that expires before January 1, 2025, seeking to renew the permit to submit a Part A and Part B application to the department at least 180 days before the end of the permit's fixed term. The bill would require the department to post on its internet website the estimated date for a permit decision, and issue a permit decision within 3 years of the effective date of these provisions or within 3 years after the end of the permit's fixed term, whichever is later. The bill would require an owner or operator of a hazardous waste facility with a hazardous waste facilities permit or standardized permit that expires on or after January 1, 2025, seeking to renew the permit to submit a Part A and Part B application at least 2 years before the end of the permit's fixed term. The bill would require the department to post on its internet website the estimated date for a permit decision, and issue a permit decision within one year after the end of the permit's fixed term.

This bill would require the department, within 90 days after receiving an application for a hazardous waste facilities permit, including a standardized permit, to post on its internet website a timeline with the estimated dates of key milestones in the hazardous waste facilities permit application review process, as specified. The bill would require the department, in the event that it fails to make a timely hazardous waste facilities permit decision, to issue a public report that includes the reasons why the final hazardous waste facilities permit was not made on time and a proposed schedule for issuing the final hazardous waste facilities permit decision, among other information. The bill would require the department, after issuing the report, to request, among other things, that the Board of Environmental Safety schedule a hearing for the department to present the report and a proposed schedule for issuing the final hazardous waste facilities permit decision.

(10) Existing law generally prohibits the Department of Toxic Substances Control from issuing or renewing a permit to operate a hazardous waste facility unless the owner or operator of the hazardous waste facility establishes and maintains financial assurances, as required. Existing law requires the department to adopt standards and regulations that, among other things, specify the financial assurances to be provided by an owner or operator of a hazardous waste facility, including those facilities required to obtain a permit under the federal Resource Conservation and Recovery Act of 1976.

This bill would prohibit the department from issuing or renewing a permit to operate a hazardous waste facility unless the owner or operator of the facility establishes and maintains financial assurances, as specified, including, but not limited to, financial assurances for the costs of corrective action, closure, and postclosure. The bill would require the department to review, at least every 5 years, the financial assurances required to operate

a permitted hazardous waste facility and the cost estimates used to establish the amount of financial assurances required. The bill would require the department to notify the owner or operator if the department finds that the cost estimates forming the basis for the financial assurances for the facility are inadequate for any reason. The bill would require the owner or operator, in response, to provide to the department for review and approval an updated cost estimate and establish financial assurance mechanisms for the approved revised cost estimate amounts, as provided.

(11) Existing law requires the Department of Toxic Substances Control, and any permit issued by the department, to require corrective action for all releases of hazardous waste or hazardous waste constituents from a solid waste management unit or a hazardous waste management unit at a facility engaged in hazardous waste management, as defined, regardless of when the release occurred. Existing law authorizes the department to issue an order or enter into an enforceable agreement requiring corrective action whenever it determines that there is or has been a release of hazardous waste or hazardous waste constituents into the environment from a hazardous waste facility or to address the threat of release or releases of hazardous substances into the environment.

This bill would require the department to request, and an owner or operator of a facility or a respondent or proponent required to conduct corrective action at a facility from which releases that necessitate corrective action have occurred to submit to the department for review and approval, as provided, a written cost estimate for corrective action if specified criteria are met. The bill would require the department to provide a written notice of deficiency if the department determines that the corrective action cost estimate is substantially incomplete or includes substantially unsatisfactory information. The bill would require the owner or operator or a respondent or proponent required to conduct corrective action under department oversight at a facility to submit a revised corrective action cost estimate to the department for review and approval, and to fund the corrective action cost estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action. The bill would specify the allowable financial assurance mechanisms, if required. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

This bill would require an owner or operator of a facility for which corrective action under department oversight is required to include a corrective action cost estimate in any corrective measures study submitted to the department pursuant to a specified order or agreement. The bill would require the owner or operator to demonstrate financial assurances as provided by specified existing law, but would authorize the department to approve an alternative financial assurance mechanism, as provided. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

This bill would require the department to ensure that a responsible party who is required to undertake corrective action obligations pursuant to a

department determination demonstrates and maintains financial assurances, as specified. The bill would require the responsible party to demonstrate financial assurances as provided by specified existing law, but would authorize the department to approve an alternative financial assurance mechanism, as provided. The bill would provide that the department's duties to implement these provisions are contingent upon an appropriation by the Legislature for these purposes.

(12) This bill would appropriate to the Department of Toxic Substances Control the total sum of $822,400,000 from the General Fund and the Toxic Substances Control Account, with $500,000,000 of that total amount appropriated from the General Fund for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for, among other things, the discovery, cleanup, and investigation of contaminated properties, a grant program to fund response actions at brownfield sites, and a job and development training program to promote public health and community engagement, promote equity and environmental justice, and support the local economy. The bill would transfer the remaining $322,400,000 of that total amount as a loan from the General Fund to the Toxic Substances Control Account and would appropriate those funds from the account for allocation over the 2021–22, 2022–23, and 2023–24 fiscal years, as prescribed, for activities, including job training activities, related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon. The bill would require funds recovered from potentially responsible parties for the former Exide Technologies facility to be used to repay those loans and would authorize forgiveness of the remaining loan balance under certain circumstances. The bill would require the Board of Environmental Safety to annually conduct an analysis of the expenditure of the appropriated General Fund moneys until the funds have been entirely liquidated.

(13) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(14) This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of $\frac{2}{3}$ of the membership of each house of the Legislature.

(15) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 6103.10 of the Government Code is amended to read:

6103.10. (a) Section 6103 does not apply to any fee or charges required to be paid to the Director of Toxic Substances Control or to the California Department of Tax and Fee Administration pursuant to Chapter 6.5 (commencing with Section 25100) of, and Chapter 6.8 (commencing with Section 25300) of, Division 20 of the Health and Safety Code, except as otherwise provided in paragraph (1) of subdivision (a) of Section 25174.7, subdivision (b) of Section 25205.1, or Section 25205.7 of the Health and Safety Code.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 2. Section 6103.10 is added to the Government Code, to read:

6103.10. (a) Section 6103 does not apply to any fee or charges required to be paid to the Director of Toxic Substances Control or to the California Department of Tax and Fee Administration pursuant to Chapter 6.5 (commencing with Section 25100) of, and Chapter 6.8 (commencing with Section 25300) of, Division 20 of the Health and Safety Code, except as otherwise provided in subdivision (b) of Section 25205.1 of, and Section 25205.7 of, the Health and Safety Code.

(b) This section shall become operative on January 1, 2022.

SEC. 3. Section 25110.3 of the Health and Safety Code is amended and renumbered to read:

25110.4. "Buffer zone" means an area of land that surrounds a hazardous waste facility and on which certain land uses and activities are restricted to protect the public health and safety and the environment from existing or potential hazards caused by the migration of hazardous waste.

SEC. 4. Section 25110.3 is added to the Health and Safety Code, to read:

25110.3. "Board" means the Board of Environmental Safety established pursuant to Section 25125.

SEC. 5. Article 2.1 (commencing with Section 25125) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 2.1. Board of Environmental Safety

25125. (a) The Board of Environmental Safety is hereby established in the department consisting of five voting members as follows:

(1) Three members shall be appointed by the Governor subject to confirmation by the Senate.

(2) One member shall be appointed by the Senate Committee on Rules.

(3) One member shall be appointed by the Speaker of the Assembly.

(b) The members of the board shall be appointed on the basis of their demonstrated interest in the fields of hazardous waste management, site remediation, or pollution prevention and reduction, shall possess

understanding of the needs of the general public in connection with the risks posed by hazardous materials and the management of hazardous waste, and shall possess experience in at least one of the following:

(1) Environmental law.

(2) Environmental science, including toxicology, chemistry, geology, industrial hygiene, or engineering.

(3) Public health.

(4) Cumulative impact assessment and management.

(5) Regulatory permitting.

(c) No more than two members of the board may represent a single category of qualification described in paragraphs (1) to (5), inclusive, of subdivision (b) at any one time.

(d) The board members shall represent the general public interest and act to protect public health and reduce risks of toxic exposure with a particular focus on disproportionately burdened and vulnerable communities.

(e) (1) Three board members constitute a quorum for the transaction of business of the board.

(2) An affirmative vote of a majority of board members present at a meeting of the board shall be required for the board to take any action or pass any motion.

(f) (1) Except as provided in paragraph (2), a board member shall be appointed for a term of four years. A vacancy in the board shall be immediately filled by the appointing authority for the unexpired portion of the term in which the vacancy occurs.

(2) The terms of the board members shall be staggered. One of the initial members appointed by the Governor and the initial member appointed by the Speaker of the Assembly shall serve a two-year term and the remaining three initial members shall serve a four-year term. The chairperson of the board, appointed by the Governor pursuant to subdivision (m), shall serve a four-year term. The Governor shall determine which of the initial members appointed by the Governor shall serve a two-year term and which shall serve a four-year term.

(g) (1) A board member appointed by the Governor may be removed by the Governor for neglect of duty, misconduct, or malfeasance in office. Before removal from office, a member shall be provided with a written statement of the charges and an opportunity to be heard.

(2) A board member appointed by the Governor or the Legislature may be removed after trial for knowingly violating this section based on a complaint filed in a county superior court by the Attorney General alleging that the board member knowingly violated this section and asking that the board member be removed from the board. Further proceedings shall be in accordance as near as may be with rules governing civil actions.

(3) A board member shall not miss three consecutive meetings as unexcused absences. Missing three consecutive meetings as unexcused absences shall constitute grounds for removal under paragraph (1) or (2).

(h) A board member shall not make, participate in making, or in any way attempt to use the board member’s official position to influence a board

decision in which the board member knows or has reason to know they have a financial interest within the meaning of Section 87103 of the Government Code.

(i) The board shall conduct its business, including adjourning to, or meeting solely in, closed session, pursuant to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(j) (1) The board shall adopt rules for the conduct of its affairs.

(2) The rules for conduct adopted by the board shall require, at a minimum, that a board member adhere to all of the following principles:

(A) A board member shall faithfully discharge the duties, responsibilities, and quasi-judicial actions of the board.

(B) A board member shall conduct their affairs in the public's best interest, following principles of fundamental fairness and due process of law.

(C) A board member shall conduct their affairs in an open, objective, and impartial manner, free of undue influence and the abuse of power and authority.

(D) A board member shall understand that the programs implemented by the department require public awareness, understanding, and support of, and participation and confidence in, the board and its practices and procedures.

(E) A board member shall preserve the public's welfare and the integrity of the board, and act to maintain the public's trust in the board and the implementation of its regulations and policies.

(F) A board member shall not conduct themself in a manner that reflects discredit upon state laws, policies, or regulations, or principles of the board.

(3) The rules adopted pursuant to this subdivision are exempt from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(k) The board shall conduct administrative adjudications, including, but not limited to, permit appeals pursuant to paragraph (2) of subdivision (b) of Section 25125.2, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), including the prohibition against ex parte communications.

(*l*) (1) The Attorney General shall represent the board in litigation concerning the affairs of the board unless the Attorney General represents another state agency that is a party to the action, in which case, the Attorney General may represent the board with the written consent of the board and the other state agency.

(2) If the Attorney General is not representing the board, the board may contract for the service of outside counsel to represent the board or in-house counsel of the board may represent the board, subject to Section 11040 of the Government Code.

(m) The chairperson of the board, who is appointed by the Governor, shall serve full time and shall receive the salary provided for in Section

11553 of the Government Code. All other members of the board shall serve half time and shall receive one-half of the salary provided for in Section 11553.5 of the Government Code.

(n) (1) Members of the board, or representatives authorized by the board to do so, may hold, attend, or otherwise participate in conferences or hearings, official or unofficial, within or out of the state, with interested persons, agencies, or officers, of this or any other state, or with Congress, congressional committees, or officers of the federal government, concerning any matter within the scope of the power and duties of the board.

(2) This subdivision does not create an exception to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(o) Due to the unique nature of permitting federal facilities, the chairperson of the board shall designate one board member to serve as the liaison between the board and the United States Department of Defense.

25125.2. (a) Beginning January 1, 2022, the board shall conduct no fewer than six public meetings per year, at least three of which shall be held outside the greater Sacramento area. For those meetings held outside the greater Sacramento area, the board shall meet in different geographic areas within the state to facilitate the participation by the businesses and sites regulated by the department, as well as members of the communities impacted by the businesses and sites regulated by the department.

(b) The board shall do all of the following:

(1) Set fees pursuant to Sections 25205.2.1, 25205.5.01, and 25205.6.1.

(2) Hear and decide appeals of hazardous waste facility permit decisions.

(3) Provide opportunities for public hearings on individual permitted or remediation sites.

(4) Review and consider for approval the director's annual priorities for each program under the department and, after consulting with the director, adopt clear performance metrics for the department and each of the department's programs. The board's responsibilities under this paragraph shall be conducted at a public hearing. The director shall provide annual updates on progress toward meeting the priorities and performance metrics.

(5) Conduct an analysis of the fee structure supporting the department's activities funded by the Hazardous Waste Control Account, the Hazardous Waste Facilities Account, and the Toxic Substances Control Account and, to the extent necessary, develop recommendations for funding the department's activities that accomplish all of the following:

(A) Provides for protection for public health and safety and the environment.

(B) Provides adequate funding to ensure the timely remediation of contaminated sites, including the remediation of orphan sites.

(C) Provides adequate funding for the enforcement of this chapter and Chapter 6.8 (commencing with Section 25300).

(D) Provides adequate funding for the programs and regulatory efforts that protect consumers from potentially harmful chemicals in products or workplaces.

(E) Provides for a reasonable distribution of costs among the businesses that contribute to the need for management of hazardous waste in the state.

(F) Provides a level of funding that will enable the department and the board to implement and carry out their duties and responsibilities, including the department's performance metrics approved by the board pursuant to this section.

(G) Considers increasing fee rates, decreasing fee rates, consolidating fees, eliminating fees, or creating new fees, as appropriate, as well as the option to identify any other funding sources that may be appropriate for use by the department in performing its duties and responsibilities. The board may consider where tiered rates may be appropriate to align the department's regulatory costs with different volumes or types of hazardous waste.

(H) Considers the creation of graduated fee rates that could be used to encourage or discourage waste generation or specific higher risk or hazard waste management activities.

(I) Considers additional funding amounts that may be needed for the department to implement the responsibilities identified in Article 11.8 (commencing with Section 25244) and Article 11.9 (commencing with Section 25244.12), in whole or in part.

(J) Considers additional funding amounts that may be needed for the department to implement programs that further support the collection and appropriate management of hazardous wastes that may pose a higher risk of being illegally disposed.

(6) Conduct an analysis of the department's programs, the relationship between those programs and related programs in other regulatory agencies, including, but not limited to, the State Water Resources Control Board, the California regional water quality control boards, and the Department of Resources Recycling and Recovery, and, to the extent necessary, develop recommendations to improve coordination between programs, and to reduce or eliminate duplication or overlap.

(7) Develop, in consultation with the director and with consideration of available resources, a multiyear schedule for the discussion of long-term goals for the following departmental activities:

(A) The department's processing of hazardous waste facility permits and proposals to improve the efficiency of the permitting process, the relationship between the efficiency of the process and the time needed to review permit applications and reach permit decisions, and the amount of reimbursement required of permit applicants in the course of the permitting process.

(B) The department's duties and responsibilities in law and proposals to improve the department's ability to meet those duties and responsibilities.

(C) The site mitigation program and proposals for the prioritization of the cleanup of contaminated properties.

(D) The department's implementation of its enforcement activities.

25125.3. The board may form advisory subcommittees of its membership to work on any topic within the board's jurisdiction, including, but not limited to, environmental justice and fee structure. Subcommittees formed pursuant to this section are authorized to do both of the following:

(a) Seek information and feedback from any stakeholder or constituencies subject to the authorities implemented by the department or impacted by the department's implementation of its authorities.

(b) Present recommendations of the subcommittee to the full board for its consideration and action. The full board is not required to act on any recommendation presented by a subcommittee of the board.

25125.4. (a) The board shall have the authority to adopt, amend, or repeal, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), regulations as may be necessary to enable it to carry into effect this article, including the authority to adopt regulations establishing fees as required pursuant to paragraph (1) of subdivision (b) of Section 25125.2.

(b) Except as provided in subdivision (j) of Section 25125, a regulation adopted pursuant to this article may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the board pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law, and shall remain in effect until repealed by the board.

25125.6. The director, or a designee, shall present and respond to the board, if requested by the board, on any issue or item brought forward by a member of the public, the ombudsperson, or a board member.

25125.7. The board shall annually prepare and transmit to the Secretary for Environmental Protection an annual review of the department's performance as compared to its objectives, including, but not limited to, the performance of the director.

25125.8. (a) There is established within the board an office of the ombudsperson. The board shall appoint an ombudsperson who shall serve full time at the pleasure of the board.

(b) The office of the ombudsperson shall serve as an impartial resource to the public, including stakeholders, by doing the following:

(1) Receive complaints and suggestions from the public.

(2) Evaluate complaints.

(3) Report findings and make recommendations to the director and the board.

(4) Render assistance to the public, when appropriate.

(c) The board, in consultation with the director, may determine the activities, in addition to those specified in subdivision (b), the ombudsperson can undertake.

(d) The board shall establish procedures governing the exercise of the ombudsperson's duties, including all of the following:

(1) Methods to encourage the submission of complaints or suggestions and safeguards to ensure confidentiality.

(2) Forms to submit complaints and suggestions to the ombudsperson.

(3) Criteria for prioritization of complaints and suggestions submitted to the ombudsperson.

(4) Access to information and resources to improve understanding of the department's activities and opportunities for involvement in the department's regulatory processes.

(e) Any person may submit a complaint or make a suggestion to the ombudsperson regarding any action, program, or policy of the department.

25125.9. The director and the chairperson of the board shall, when requested, but no less than annually, appear before the appropriate policy committees in the Assembly and Senate to provide an update on the department's performance as compared to its objectives, including, but not limited to, metrics established pursuant to paragraph (4) of subdivision (b) of Section 25125.2, the department's progress in implementing any reform measures, and any other information the committees request.

SEC. 6. Section 25135 of the Health and Safety Code is repealed.

SEC. 7. Section 25135 is added to the Health and Safety Code, to read:

25135. (a) The department shall, by March 1, 2025, and every three years thereafter, prepare a state hazardous waste management plan and present it to the board for approval. The state hazardous waste management plan shall be based on the report prepared pursuant to subdivision (b) and any other sources of information deemed relevant by the department. The state hazardous waste management plan shall serve as a comprehensive planning document for the management of hazardous waste in the state, as a useful informational source to guide state and local hazardous waste management efforts, and as a guide for the department's implementation of its hazardous waste management program.

(b) By March 1, 2023, and every three years thereafter, the department shall prepare, and post on its internet website, a report that includes an analysis of available data related to hazardous waste, including all of the following components:

(1) An analysis of the hazardous waste streams produced in the state, including the sources of the data and any limitations of that data. The report shall present hazardous waste stream information for the hazardous waste types currently being generated, historically generated, and expected to be generated in the state in the future. In addition to statewide data, the report shall also present the hazardous waste stream information in each of the following categories:

(A) The county in which each hazardous waste stream is generated.

(B) The destination to which each hazardous waste stream is shipped.

(C) The amount of hazardous waste disposed to land, both within the state and in other states.

(D) The amount of hazardous waste treated, both within the state and in other states.

(E) The amount of hazardous waste that is regulated under the federal act.

(F) The amount of hazardous waste that is regulated only in the state.

(G) An estimate of the types and volumes of hazardous waste that are generated, but are not required to be manifested, and therefore are not included in the department's Hazardous Waste Tracking System, including hazardous wastes that are:

(i) Treated onsite.

(ii) Recycled onsite.

(iii) Identified as universal wastes.

(iv) Eligible to be managed under a management standard that is an alternative to full hazardous waste regulation.

(2) Information regarding hazardous waste facilities that operate in the state, including all of the following:

(A) Information regarding each hazardous waste facility, including a description of the facility, the amount of hazardous waste the facility is permitted to receive annually, and the amount of hazardous waste managed by the facility that is received from in-state versus out-of-state generators. The information provided pursuant to this subparagraph shall include information on both of the following:

(i) Hazardous waste facilities that have been issued a permit to operate by the department.

(ii) Any other hazardous waste facilities that are receiving any type of hazardous wastes from offsite that do not require a hazardous waste facilities permit to operate, such as universal waste handlers or temporary transfer stations.

(B) An analysis of the location of each destination facility, including an assessment of the area in which the destination facility is located. For destination facilities located in the state, this analysis shall include zoning and other geographic information and the CalEnviroScreen score, and may include information from national environmental health screening tools. For destination facilities located in other states, the analysis shall include a similar assessment of the environmental conditions or vulnerability to environmental pollutants of the population surrounding each destination facility, to the extent data are available.

(C) An analysis of the transportation of hazardous waste generated in the state, including information on the distance between the destination facilities and the generators that are sending hazardous waste to those destination facilities, the transportation options available to transport hazardous wastes to each destination facility, and the cost for transportation to each destination facility, including a calculated estimate of cost per mile traveled.

(3) An analysis of national and international pollution prevention programs to inform recommendations to be proposed by the department for

changes to the implementation of Article 11.8 (commencing with Section 25244) and Article 11.9 (commencing with Section 25244.12).

(4) An analysis of the use of fees and their ability to influence or encourage the reduction in the generation of hazardous wastes.

(5) An analysis of the criteria used to identify wastes as hazardous waste under state law. The analysis shall include all of the following:

(A) An assessment of the extent to which the criteria that result in wastes being regulated as hazardous waste in California, as opposed to under the federal act, provide additional safeguards that are necessary to protect public health and the environment in the state.

(B) An assessment of the existing hazardous waste identification criteria and the extent to which they reflect current science, technology, or analytical methods.

(C) An assessment of additional contaminants, chemical constituents, or hazard characteristics or traits that are not currently included in the hazardous waste identification criteria, and the additional public health or environmental protections that could be achieved if those additional contaminants, chemical constituents, or hazard characteristics or traits were to be added to the hazardous waste identification criteria in the state.

(c) Before publishing the final report required by subdivision (b), the department shall conduct workshops to present the draft report to the public and receive comments from the public on the draft report. The department shall, in finalizing the report required by subdivision (b), consider the public comments and revise the draft report as the department deems appropriate.

(d) The state hazardous waste management plan prepared pursuant to subdivision (a) shall include, but is not limited to, all of the following:

(1) A baseline of the amount and types of hazardous waste generated and disposed of in the state, and disposed of in other states, from which recommendations can be drawn and changes made to hazardous waste management practices, including the reduction in the amount of hazardous waste generated or disposed, can be measured.

(2) Recommended goals to reduce the amount of hazardous waste generated or disposed of, including, but not limited to, goals based on all of the following:

(A) Statewide total amounts of hazardous waste.

(B) Total amounts of particular hazardous waste streams or hazardous waste types.

(C) Total amounts of particular hazardous waste streams or hazardous waste types generated or disposed of by specific industry types or sectors.

(3) (A) Recommendations for achieving the recommended goals identified pursuant to paragraph (2), including, but not limited to, recommendations for both of the following:

(i) Techniques to measure hazardous waste being generated to account for variability in manufacturing production or other economic factors.

(ii) Additional steps to be taken to accomplish all of the following:

(I) Reducing the use of hazardous materials and increasing the use of less hazardous or nonhazardous alternatives to the maximum extent feasible.

(II) Reducing the amount of hazardous waste disposed.

(III) Reducing the amount of hazardous waste generated.

(IV) Reducing the risk of exposure to communities threatened by releases of hazardous substances, as defined in Chapter 6.8 (commencing with Section 25300), and releases of hazardous wastes.

(V) Reducing the risk of exposure to communities near sites contaminated by hazardous substances, as defined in Chapter 6.8 (commencing with Section 25300), and hazardous wastes.

(B) Any recommendations for achieving the goals identified pursuant to paragraph (2) related to the generation and disposal of contaminated soils that are identified as hazardous waste shall ensure that subclauses (IV) and (V) of clause (ii) of subparagraph (A) are also accomplished. In addition, the recommendations shall not propose to reduce the amount of contaminated soils being generated or disposed solely by reducing the removal of contaminated soils from sites contaminated by hazardous substances or sites where releases of hazardous substances are threatened.

(C) Any recommendations for achieving the goals identified pursuant to paragraph (2) related to the generation and disposal of household hazardous waste shall not propose to reduce the collection of household hazardous waste as a method to achieve the goal.

(4) Recommendations for modifications to hazardous waste-related fees or financial incentives to encourage additional reductions in hazardous waste generation.

(5) Recommendations for incorporating external or long-term costs into hazardous waste management decisionmaking.

(6) Recommendations for allowing for public comment on and input into source reduction evaluation review and plans prepared by generators pursuant to Section 25244.19 and hazardous waste management performance reports prepared by generators pursuant to Section 25244.20.

(7) Recommendations for changes to the department's implementation of Article 11.8 (commencing with Section 25244) and Article 11.9 (commencing with Section 25244.12).

(8) Recommendations for appropriate roles and responsibilities for the department, other agencies, local unified program agencies, and green business programs in achieving the goals of the state hazardous waste management plan.

(9) Recommendations for changes to statutes and regulations that may create impediments to waste reduction and achieving the recommended goals identified pursuant to paragraph (2).

(10) Recommendations for changes to statutes and regulations that enhance or facilitate accomplishment of the recommended goals identified pursuant to paragraph (2).

(11) Recommendations regarding the criteria used to identify wastes as hazardous waste in California. The recommendations shall include all of the following:

(A) Whether any wastes currently identified as hazardous waste in California, to the extent consistent with the federal act, may be managed

under management standards that are different from the hazardous waste management requirements and still be protective of public health and the environment.

(B) Whether the California hazardous waste identification criteria should be updated to reflect advances in science, technology, or analytical methods.

(C) Whether additional contaminants, chemical constituents, or hazard characteristics or traits should be included in the hazardous waste identification criteria to be protective of public health and the environment, and whether additional wastes that are not currently required to be managed as hazardous waste under state law should be required to be managed in accordance with hazardous waste management requirements to protect public health and the environment.

(12) Any other recommendations that would further the department's implementation of its hazardous waste management program and the goals of this section.

(e) Before approving the final state hazardous waste management plan prepared pursuant to subdivision (a), the board shall hold at least three public hearings in various parts of the state to receive comments from the public on the draft hazardous waste management plan. The board and the department, in finalizing the state hazardous waste management plan prepared pursuant to subdivision (a), shall consider the public comments and revise the draft state hazardous waste management plan as they deem appropriate.

(f) (1) For purposes of implementing this section, using the funds appropriated for the 2021–22 fiscal year, the department may enter into necessary contracts to procure subject matter expertise or other technical assistance. The contracts are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, and Section 10295 of, and Article 4 (commencing with Section 10335) of Chapter 2 of, and Chapter 3 (commencing with Section 12100) of, Part 2 of Division 2 of the Public Contract Code, and any policies, procedures, and regulations authorized by those laws.

(2) The department shall obtain approval from the Department of Finance before entering into a contract under this section.

SEC. 8. Section 25135.1 of the Health and Safety Code is repealed.

SEC. 9. Section 25135.2 of the Health and Safety Code is repealed.

SEC. 10. Section 25135.3 of the Health and Safety Code is repealed.

SEC. 11. Section 25135.4 of the Health and Safety Code is repealed.

SEC. 12. Section 25135.5 of the Health and Safety Code is repealed.

SEC. 13. Section 25135.6 of the Health and Safety Code is repealed.

SEC. 14. Section 25135.7 of the Health and Safety Code is repealed.

SEC. 15. Section 25135.7.5 of the Health and Safety Code is repealed.

SEC. 16. Section 25135.8 of the Health and Safety Code is repealed.

SEC. 17. Section 25135.9 of the Health and Safety Code is repealed.

SEC. 18. Section 25144.6 of the Health and Safety Code is amended to read:

25144.6. (a) As used in this section, "reusable soiled textile materials" means textile items, including, but not limited to, shop towels, uniforms, gloves, and linens and towels which may become soiled with hazardous waste during commercial or industrial use, and are made reusable by laundering or comparable methods of cleaning.

(b) Reusable soiled textile materials that meet all of the following requirements are exempt from Section 25205.5 and from Article 6 (commencing with Section 25160) and Article 6.5 (commencing with Section 25167.1):

(1) The materials or the management of the materials are not otherwise regulated by the United States Environmental Protection Agency pursuant to the federal act.

(2) The materials are not used to clean up or control a spill or release that is required to be reported to any state or federal agency.

(3) No hazardous waste has been added after the materials' original use.

(4) No free liquids, as defined by Section 22-66260.10 of Title 26 of the California Code of Regulations, are released during transportation or storage of the materials.

(5) The facility laundering or cleaning the materials maintains records of the date, type, and quantities by piecework or weight of the materials collected and laundered.

(6) The facility laundering or cleaning the materials prepares a contingency plan that specifies procedures for handling both onsite and offsite emergencies involving the materials, and employees are trained in the execution of the plan.

(c) Notwithstanding Sections 25201 and 25245, a facility laundering or using comparable methods of cleaning reusable soiled textile materials and performing the pretreatment necessary to remove metals and organics from the wastewater that results from the wash process is not required to obtain a hazardous waste facilities permit or other grant of authorization, and is exempt from the requirements of Article 12 (commencing with Section 25245), if the facility meets all of the following requirements:

(1) Management procedures are in place to ensure that the reusable soiled textile materials are managed in accordance with all the requirements specified in subdivision (b).

(2) The waste washwater conveyances and containers are constructed of materials to ensure that they are impervious under the conditions of use, and are visually inspected at least twice a year to ensure that waste washwater is not leaking into the underlying soil. A facility that is in compliance with this paragraph is not subject to the requirements of Section 22-66264.193 of Title 26 of the California Code of Regulations.

(3) The sludge collected from the washing process is managed in accordance with this chapter.

(4) The facility has a training program in place that ensures that the facility personnel are able to safely and properly handle and clean the reusable soiled textile materials and to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems.

(5) The facility is in compliance with the requirements of paragraphs (2) to (6), inclusive, and paragraphs (8) and (10), of subdivision (d) of Section 25201.5.

(6) (A) The facility complies with the notification requirements of paragraph (7) of subdivision (d) of Section 25201.5.

(B) Except as provided in Section 25404.5, the generator submits a fee in the amount required by Section 25205.2. The generator shall submit that fee within 30 days of the date that the fee is assessed by the California Department of Tax and Fee Administration, in the manner specified by Section 43152.6 of the Revenue and Taxation Code.

(d) This section does not affect the application of Section 25143.2 to reusable soiled textile materials.

SEC. 19. Section 25150.84 of the Health and Safety Code is amended to read:

25150.84. (a) The department is authorized to collect an annual fee from all metal shredding facilities that are subject to the requirements of this chapter or to the alternative management standards adopted pursuant to Section 25150.82. The department shall establish and adopt regulations necessary to administer this fee and to establish a fee schedule that is set at a rate sufficient to reimburse the department's costs to implement this chapter as applicable to metal shredder facilities. The fee schedule established by the department may be updated periodically as necessary and shall provide for the assessment of no more than the reasonable and necessary costs of the department to implement this chapter, as applicable to metal shredder facilities.

(b) The Controller shall establish a separate subaccount in the Hazardous Waste Control Account. The fees collected pursuant to this section shall be deposited into the subaccount and be available for expenditure by the department upon appropriation by the Legislature.

(c) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect for a period of two years or until revised by the department, whichever occurs sooner.

(d) (1) A metal shredding facility paying an annual fee in accordance with this section shall be exempt from the following fees as the fees pertain to metal shredding activities and the generation, handling, management, transportation, and disposal of metal shredder waste:

(A) A fee imposed pursuant to Section 25205.7.

(B) A disposal fee imposed pursuant to Section 25174.1 until July 1, 2022.

(C) A facility fee imposed pursuant to Section 25205.2.

(D) A fee imposed pursuant to Section 25205.5.

(E) A transportable treatment unit fee imposed pursuant to Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

(2) A metal shredding facility is not exempt from the fees listed in paragraph (1) for any other hazardous waste the metal shredding facility generates and handles.

SEC. 20. Section 25160 of the Health and Safety Code is amended to read:

25160. (a) For purposes of this chapter, the following definitions apply:

(1) "Manifest" means a shipping document originated and signed by a generator of hazardous waste that contains all of the information required by the department and that complies with all applicable federal and state regulations, and includes any of the following:

(A) A California Uniform Hazardous Waste Manifest, which was a manifest document printed and supplied by the state for a shipment initiated on or before September 4, 2006.

(B) A Uniform Hazardous Waste Manifest, which is United States Environmental Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A (Manifest Continuation Sheet), printed by a source registered with the United States Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

(C) (i) An electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the electronic manifest system and transmitted electronically to the system, that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(ii) A printed copy of the manifest from the e-Manifest system.

(2) "Electronic manifest system" or "e-Manifest system" means the United States Environmental Protection Agency's national information technology system through which an electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest, and to regulatory agencies.

(3) For purposes of this section and Section 25205.15, a shipment is initiated on the date when the manifest is signed by the first transporter and the hazardous waste leaves the site where it is generated.

(b) (1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall complete a manifest before the waste is transported or offered for transportation, and shall designate on that manifest the facility to which the waste is to be shipped for the handling, treatment, storage, disposal, or combination thereof. The manifest shall be completed as required by the department. The generator shall provide the manifest to the person who will

transport the hazardous waste, who is the driver, if the hazardous waste will be transported by vehicle, or the person designated by the railroad corporation or vessel operator, if the hazardous waste will be transported by rail or vessel.

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) A manifest shall only be used for the purposes specified in this chapter, including, but not limited to, identifying materials that the person completing the manifest reasonably believes are hazardous waste.

(C) Within 30 days from the date of transport, or submission for transport, of hazardous waste, each generator of that hazardous waste using a paper manifest shall submit to the department a legible copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, outside of the state, shall complete, whether or not the waste is determined to be hazardous by the importing country or state, a manifest in accordance with both of the following conditions:

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) The generator shall submit a legible printed copy of any paper manifest used in accordance with subparagraph (A) to the department within 30 days from the date of the transport, or submission for transport, of the hazardous waste. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(3) Within 30 days from the date of transport, or submission for transport, of hazardous waste out of state, each generator of that hazardous waste using a paper manifest shall submit to the department a legible printed copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the initial transporter. If within 35 days from the date of the initial shipment, or for exports by water to foreign countries 60 days after the initial shipment, the generator has not received a copy of the manifest signed by all transporters and the facility operator

or received verification through the e-Manifest system that the shipment has been received by the designated facility, the generator shall contact the owner or operator of the designated facility to determine the status of the hazardous waste and to request that the owner or operator immediately provide a signed copy of the manifest to the generator. Except as provided otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the date of the initial shipment or, for exports by water to foreign countries, 90 days from the date of the initial shipment, the generator has not received a copy of the signed manifest or verification through the e-Manifest system from the facility owner or operator that the shipment has been received and the manifest has been signed by the designated facility, the generator shall submit an exception report to the department.

(4) For shipments of waste that do not require a manifest pursuant to Title 40 of the Code of Federal Regulations, the department, by regulation, may require that a manifest be used.

(5) (A) Notwithstanding any other provision of this section, except as provided in subparagraph (B), the generator is not required to submit a copy of the manifest to the department for any waste transported in compliance with the consolidated manifest procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when the transporter is operating pursuant to a variance issued by the department pursuant to Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section 25160.2, if the generator, transporter, and facility are all identified as the same company on the hazardous waste manifest. If multiple identification numbers are used by a single company, all of the company's identification numbers shall be included in its annual transporter registration application, if those numbers will be used with the consolidated manifest procedure. This paragraph does not affect the obligation of a facility operator to submit information regarding the shipment it receives through a consolidated manifest into the e-Manifest system.

(B) If the waste subject to subparagraph (A) is transported out of state, the generator shall submit a legible copy of the paper manifest to the department that contains the signatures of the generator and the initial transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(c) (1) The department shall determine the form and manner in which a manifest shall be completed and the information that the manifest shall contain. The form of each manifest and the information requested on each manifest shall be the same for all hazardous wastes, regardless of whether the hazardous wastes are also regulated pursuant to the federal act or by regulations adopted by the United States Department of Transportation. However, the form of the manifest and the information required shall be consistent with federal regulations.

(2) Pursuant to federal regulations, the department may require information on the manifest in addition to the information required by federal regulations.

(d) (1) A person who transports hazardous waste in a vehicle shall either have a legible copy of the paper manifest in their possession while transporting the hazardous waste or shall have an electronic manifest accessible during transportation that the person forwarded to the person or persons who are scheduled to receive delivery of the waste shipment. To the extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires transporters of hazardous materials to carry a paper document, a hazardous waste transporter shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The manifest shall be shown upon demand to any representative of the department, any officer of the Department of the California Highway Patrol, any local health officer, any certified unified program agency, or any local public officer designated by the director. If the hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers any information concerning the hazardous waste that the department may require.

(2) Any person who transports a waste, as defined by Section 25124, and who is provided with a manifest for that waste shall, while transporting that waste, comply with all requirements of this chapter, and the regulations adopted pursuant thereto, concerning the transportation of hazardous waste.

(3) A person who transports hazardous waste shall transfer a copy of the manifest to the facility operator at the time of delivery, or to the person who will subsequently transport the hazardous waste in a vehicle. A person who transports hazardous waste and then transfers custody of that hazardous waste to a person who will subsequently transport that waste by rail or vessel shall transfer a copy of the manifest to the person designated by the railroad corporation or vessel operator, as specified by Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The transfer of a manifest under this paragraph may be completed by either the transfer of a paper manifest or a transfer by electronic manifest transmitted to the facility operator by submission to the e-Manifest system.

(4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify to the department, at the time of initial registration and at the time of renewal of that registration pursuant to this article, that the transporter is familiar with the requirements of this section, the department regulations, and federal laws and regulations governing the use of manifests.

(e) (1) A facility operator in the state who receives hazardous waste for handling, treatment, storage, disposal, or any combination thereof, which was transported with a manifest pursuant to this section, shall comply with the requirements of Section 264.71 or 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of that shipment.

(2) Any treatment, storage, or disposal facility receiving hazardous waste generated outside this state may only accept the hazardous waste for

treatment, storage, disposal, or any combination thereof, if the hazardous waste is accompanied by a completed paper or electronic manifest.

(3) A facility operator may accept hazardous waste generated offsite that is not accompanied by a properly completed and signed paper or electronic manifest if the facility operator meets both of the following conditions:

(A) The facility operator is authorized to accept the hazardous waste pursuant to a hazardous waste facilities permit or other grant of authorization from the department.

(B) The facility operator is in compliance with the regulations adopted by the department specifying the conditions and procedures applicable to the receipt of hazardous waste under these circumstances.

(4) This subdivision applies only to shipments of hazardous waste for which a manifest is required pursuant to this section and the regulations adopted pursuant to this section.

(f) The department shall make available for review, by any interested party, the department's plans for revising and enhancing its system for tracking hazardous waste for purposes of protecting human health and the environment, enforcing laws, collecting revenue, and generating necessary reports.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 21. Section 25160 is added to the Health and Safety Code, to read:

25160. (a) For purposes of this chapter, the following definitions apply:

(1) "Manifest" means a shipping document originated and signed by a generator of hazardous waste that contains all of the information required by the department and that complies with all applicable federal and state regulations, and includes any of the following:

(A) A California Uniform Hazardous Waste Manifest, which was a manifest document printed and supplied by the state for a shipment initiated on or before September 4, 2006.

(B) A Uniform Hazardous Waste Manifest, which is United States Environmental Protection Agency Form 8700-22 (Manifest) and includes, if necessary, Form 8700-22A (Manifest Continuation Sheet), printed by a source registered with the United States Environmental Protection Agency for a shipment initiated on or after September 5, 2006.

(C) (i) An electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the electronic manifest system and transmitted electronically to the system, that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(ii) A printed copy of the manifest from the e-Manifest system.

(2) "Electronic manifest system" or "e-Manifest system" means the United States Environmental Protection Agency's national information technology system through which an electronic manifest may be obtained, completed, transmitted, and distributed to users of the electronic manifest, and to regulatory agencies.

(3) For purposes of this section, a shipment is initiated on the date when the manifest is signed by the first transporter and the hazardous waste leaves the site where it is generated.

(b) (1) Except as provided in Section 25160.2 or 25160.8, or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, shall complete a manifest before the waste is transported or offered for transportation, and shall designate on that manifest the facility to which the waste is to be shipped for the handling, treatment, storage, disposal, or combination thereof. The manifest shall be completed as required by the department. The generator shall provide the manifest to the person who will transport the hazardous waste, who is the driver, if the hazardous waste will be transported by vehicle, or the person designated by the railroad corporation or vessel operator, if the hazardous waste will be transported by rail or vessel.

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) A manifest shall only be used for the purposes specified in this chapter, including, but not limited to, identifying materials that the person completing the manifest reasonably believes are hazardous waste.

(C) Within 30 days from the date of transport, or submission for transport, of hazardous waste, each generator of that hazardous waste using a paper manifest shall submit to the department a legible copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(2) Except as provided in Section 25160.2 or 25160.8 or as otherwise authorized by a variance issued by the department, a person generating hazardous waste that is transported, or submitted for transportation, for offsite handling, treatment, storage, disposal, or any combination thereof, outside of the state, shall complete, whether or not the waste is determined to be hazardous by the importing country or state, a manifest in accordance with both of the following conditions:

(A) The generator shall use the manifest shipping document United States Environmental Protection Agency Form 8700-22 and include, if necessary, Form 8700-22A, or an electronic manifest, which is the electronic format of a hazardous waste manifest, that is obtained from the e-Manifest system, and that is the legal equivalent of United States Environmental Protection Agency Forms 8700-22 and 8700-22A, as specified in Section 25160.01.

(B) The generator shall submit a legible printed copy of any paper manifest used in accordance with subparagraph (A) to the department within

30 days from the date of the transport, or submission for transport, of the hazardous waste. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(3) Within 30 days from the date of transport, or submission for transport, of hazardous waste out of state, each generator of that hazardous waste using a paper manifest shall submit to the department a legible printed copy of each paper manifest used. The copy submitted to the department shall contain the signatures of the generator and the initial transporter. If within 35 days from the date of the initial shipment, or for exports by water to foreign countries 60 days after the initial shipment, the generator has not received a copy of the manifest signed by all transporters and the facility operator or received verification through the e-Manifest system that the shipment has been received by the designated facility, the generator shall contact the owner or operator of the designated facility to determine the status of the hazardous waste and to request that the owner or operator immediately provide a signed copy of the manifest to the generator. Except as provided otherwise in paragraph (2) of subdivision (h) of Section 25123.3, if within 45 days from the date of the initial shipment or, for exports by water to foreign countries, 90 days from the date of the initial shipment, the generator has not received a copy of the signed manifest or verification through the e-Manifest system from the facility owner or operator that the shipment has been received and the manifest has been signed by the designated facility, the generator shall submit an exception report to the department.

(4) For shipments of waste that do not require a manifest pursuant to Title 40 of the Code of Federal Regulations, the department, by regulation, may require that a manifest be used.

(5) (A) Notwithstanding any other provision of this section, except as provided in subparagraph (B), the generator is not required to submit a copy of the manifest to the department for any waste transported in compliance with the consolidated manifest procedures in Section 25160.2 or with the procedures specified in Section 25160.8, or when the transporter is operating pursuant to a variance issued by the department pursuant to Section 25143 authorizing the use of a consolidated manifest for waste not listed in Section 25160.2, if the generator, transporter, and facility are all identified as the same company on the hazardous waste manifest. If multiple identification numbers are used by a single company, all of the company's identification numbers shall be included in its annual transporter registration application, if those numbers will be used with the consolidated manifest procedure. This paragraph does not affect the obligation of a facility operator to submit information regarding the shipment it receives through a consolidated manifest into the e-Manifest system.

(B) If the waste subject to subparagraph (A) is transported out of state, the generator shall submit a legible copy of the paper manifest to the department that contains the signatures of the generator and the initial transporter. The generator is not required to send the department a copy of an electronic manifest processed completely through the e-Manifest system.

(c) (1) The department shall determine the form and manner in which a manifest shall be completed and the information that the manifest shall contain. The form of each manifest and the information requested on each manifest shall be the same for all hazardous wastes, regardless of whether the hazardous wastes are also regulated pursuant to the federal act or by regulations adopted by the United States Department of Transportation. However, the form of the manifest and the information required shall be consistent with federal regulations.

(2) Pursuant to federal regulations, the department may require information on the manifest in addition to the information required by federal regulations.

(d) (1) A person who transports hazardous waste in a vehicle shall either have a legible copy of the paper manifest in their possession while transporting the hazardous waste or shall have an electronic manifest accessible during transportation that the person forwarded to the person or persons who are scheduled to receive delivery of the waste shipment. To the extent that Section 177.817 of Title 49 of the Code of Federal Regulations requires transporters of hazardous materials to carry a paper document, a hazardous waste transporter shall carry one printed copy of the paper or electronic manifest on the transport vehicle. The manifest shall be shown upon demand to any representative of the department, any officer of the Department of the California Highway Patrol, any local health officer, any certified unified program agency, or any local public officer designated by the director. If the hazardous waste is transported by rail or vessel, the railroad corporation or vessel operator shall comply with Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations and shall also enter on the shipping papers any information concerning the hazardous waste that the department may require.

(2) Any person who transports a waste, as defined by Section 25124, and who is provided with a manifest for that waste shall, while transporting that waste, comply with all requirements of this chapter, and the regulations adopted pursuant thereto, concerning the transportation of hazardous waste.

(3) A person who transports hazardous waste shall transfer a copy of the manifest to the facility operator at the time of delivery, or to the person who will subsequently transport the hazardous waste in a vehicle. A person who transports hazardous waste and then transfers custody of that hazardous waste to a person who will subsequently transport that waste by rail or vessel shall transfer a copy of the manifest to the person designated by the railroad corporation or vessel operator, as specified by Subchapter C (commencing with Section 171.1) of Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations. The transfer of a manifest under this paragraph may be completed by either the transfer of a paper manifest or a transfer by electronic manifest transmitted to the facility operator by submission to the e-Manifest system.

(4) A person transporting hazardous waste by motor vehicle, rail, or water shall certify to the department, at the time of initial registration and

at the time of renewal of that registration pursuant to this article, that the transporter is familiar with the requirements of this section, the department regulations, and federal laws and regulations governing the use of manifests.

(e) (1) A facility operator in the state who receives hazardous waste for handling, treatment, storage, disposal, or any combination thereof, which was transported with a manifest pursuant to this section, shall comply with the requirements of Section 264.71 or 265.71 of Title 40 of the Code of Federal Regulations, as applicable, pertaining to receipt of that shipment.

(2) Any treatment, storage, or disposal facility receiving hazardous waste generated outside this state may only accept the hazardous waste for treatment, storage, disposal, or any combination thereof, if the hazardous waste is accompanied by a completed paper or electronic manifest.

(3) A facility operator may accept hazardous waste generated offsite that is not accompanied by a properly completed and signed paper or electronic manifest if the facility operator meets both of the following conditions:

(A) The facility operator is authorized to accept the hazardous waste pursuant to a hazardous waste facilities permit or other grant of authorization from the department.

(B) The facility operator is in compliance with the regulations adopted by the department specifying the conditions and procedures applicable to the receipt of hazardous waste under these circumstances.

(4) This subdivision applies only to shipments of hazardous waste for which a manifest is required pursuant to this section and the regulations adopted pursuant to this section.

(f) The department shall make available for review, by any interested party, the department's plans for revising and enhancing its system for tracking hazardous waste for purposes of protecting human health and the environment, enforcing laws, collecting revenue, and generating necessary reports.

(g) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 22. Section 25173.6 of the Health and Safety Code is amended to read:

25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which shall be administered by the director. In addition to any other money that may be appropriated by the Legislature to the Toxic Substances Control Account, all of the following shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.6.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396).

(3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Chapter 6.86 (commencing with Section 25396), except as directed otherwise by Section 25192.

(4) Interest earned upon money deposited in the Toxic Substances Control Account.

(5) All money recovered pursuant to Section 25360, except any amount recovered on or before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

(6) All money recovered pursuant to Section 25380.

(7) All penalties recovered pursuant to Section 25214.3, except as provided by Section 25192.

(8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section 25192.

(9) All penalties recovered pursuant to Section 25215.82, except as provided by Section 25192.

(10) Reimbursements for funds expended from the Toxic Substances Control Account for services provided by the department, including, but not limited to, reimbursements required pursuant to Sections 25201.9 and 25343.

(11) Money received from the federal government pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(12) Money received from responsible parties for remedial action or removal at a specific site, except as otherwise provided by law.

(b) The funds deposited in the Toxic Substances Control Account may be appropriated to the department for the following purposes:

(1) The administration and implementation of the following:

(A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be expended from the Toxic Substances Control Account for purposes of Section 25354.5.

(B) Chapter 6.86 (commencing with Section 25396).

(C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public Utilities Code, to the extent the department has been delegated responsibilities by the secretary for implementing that article.

(D) Activities of the department related to pollution prevention and technology development, authorized pursuant to this chapter.

(E) Green chemistry (Article 14 (commencing with Section 25251)).

(2) The administration of the following units, and successor organizations of those units, within the department, and the implementation of programs administered by those units or successor organizations:

(A) The Human and Ecological Risk Office.

(B) The Environmental Chemistry Laboratory.

(C) The Office of Pollution Prevention and Technology Development.

(D) The Safer Consumer Products Program.

(3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to an interagency agreement, to assist the department

as needed in administering the programs described in subparagraphs (A) and (B) of paragraph (1).

(4) For allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

(5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(6) For the purchase by the state, or by a local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(7) For payment of all costs of removal and remedial action incurred by the state, or by a local agency with the approval of the director, in response to a release or threatened release of a hazardous substance, to the extent the costs are not reimbursed by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(8) For payment of all costs of actions taken pursuant to subdivision (b) of Section 25358.3, to the extent that these costs are not paid by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(9) For all costs incurred by the department in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in a single fiscal year. However, these actions shall not duplicate reasonably available federal actions and studies.

(10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5 (commencing with Section 25385) of Chapter 6.8.

(11) Direct site remediation costs.

(12) For the department's expenses for staff to perform oversight of investigations, characterizations, removals, remediations, or long-term operation and maintenance.

(13) For the administration and collection of the fees imposed pursuant to Section 25205.6.

(14) For allocation to the office of the Attorney General, pursuant to an interagency agreement or similar mechanism, for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in

carrying out the purposes of Chapter 6.8 (commencing with Section 25300) and Chapter 6.86 (commencing with Section 25396).

(15) For funding the California Environmental Contaminant Biomonitoring Program established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division 103.

(16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with Section 25214.11).

(17) For costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) The funds deposited in the Toxic Substances Control Account may be appropriated by the Legislature to the Office of Environmental Health Hazard Assessment and the State Department of Public Health for purposes of carrying out their duties pursuant to the California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing with Section 105440) of Part 5 of Division 103).

(d) The director shall expend federal funds in the Toxic Substances Control Account consistent with the requirements specified in Section 114 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were provided to the state.

(e) Money in the Toxic Substances Control Account shall not be expended to conduct removal or remedial actions if a significant portion of the hazardous substances to be removed or remedied originated from a source outside the state.

(f) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(g) The Toxic Substances Control Account established pursuant to subdivision (a) is the successor fund of all of the following:

(1) The Hazardous Substance Account established pursuant to Section 25330, as that section read on June 30, 2006.

(2) The Hazardous Substance Clearing Account established pursuant to Section 25334, as that section read on June 30, 2006.

(3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as that section read on June 30, 2006.

(4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that section read on June 30, 2006.

(h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances Control Account, as provided by Section 16346 of the Government Code. All existing appropriations from

these accounts, to the extent encumbered, shall continue to be available for the same purposes and periods from the Toxic Substances Control Account.

(i) Notwithstanding Section 10231.5 of the Government Code, the department, on or before February 1 of each year, shall report to the Governor and the Legislature on the prior fiscal year's expenditure of funds within the Toxic Substances Control Account for the purposes specified in subdivision (b).

(j) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 23. Section 25173.6 is added to the Health and Safety Code, to read:

25173.6. (a) There is in the General Fund the Toxic Substances Control Account, which shall be administered by the director. In addition to any other money that may be appropriated by the Legislature to the Toxic Substances Control Account, all of the following shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.6.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for oversight of a removal or remedial action taken under Chapter 6.8 (commencing with Section 25300) or Chapter 6.86 (commencing with Section 25396).

(3) Fines or penalties collected pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Chapter 6.86 (commencing with Section 25396), except as directed otherwise by Section 25192.

(4) Interest earned upon money deposited in the Toxic Substances Control Account.

(5) All money recovered pursuant to Section 25360, except any amount recovered on or before June 30, 2006, that was paid from the Hazardous Substance Cleanup Fund.

(6) All money recovered pursuant to Section 25380.

(7) All penalties recovered pursuant to Section 25214.3, except as provided by Section 25192.

(8) All penalties recovered pursuant to Section 25214.22.1, except as provided by Section 25192.

(9) All penalties recovered pursuant to Section 25215.82, except as provided by Section 25192.

(10) Reimbursements for funds expended from the Toxic Substances Control Account for services provided by the department, including, but not limited to, reimbursements required pursuant to Sections 25201.9 and 25343.

(11) Money received from the federal government pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(12) Money received from responsible parties for remedial action or removal at a specific site, except as otherwise provided by law.

(b) The funds deposited in the Toxic Substances Control Account may be appropriated to the department for the following purposes:

(1) The administration and implementation of the following:

(A) Chapter 6.8 (commencing with Section 25300), except that funds shall not be expended from the Toxic Substances Control Account for purposes of Section 25354.5.

(B) Chapter 6.86 (commencing with Section 25396).

(C) Article 10 (commencing with Section 7710) of Chapter 1 of Division 4 of the Public Utilities Code, to the extent the department has been delegated responsibilities by the secretary for implementing that article.

(D) Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(E) Green chemistry (Article 14 (commencing with Section 25251)).

(2) The administration of the following units, and successor organizations of those units, within the department, and the implementation of programs administered by those units or successor organizations:

(A) The Human and Ecological Risk Office.

(B) The Environmental Chemistry Laboratory.

(C) The Office of Pollution Prevention and Technology Development

(D) The Safer Consumer Products Program.

(3) For allocation to the Office of Environmental Health Hazard Assessment, pursuant to an interagency agreement, to assist the department as needed in administering the programs described in subparagraphs (A) and (B) of paragraph (1).

(4) For allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43054 of the Revenue and Taxation Code.

(5) For the state share mandated pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(6) For the purchase by the state, or by a local agency with the prior approval of the director, of hazardous substance response equipment and other preparations for response to a release of hazardous substances. However, all equipment shall be purchased in a cost-effective manner after consideration of the adequacy of existing equipment owned by the state or the local agency, and the availability of equipment owned by private contractors.

(7) For payment of all costs of removal and remedial action incurred by the state, or by a local agency with the approval of the director, in response to a release or threatened release of a hazardous substance, to the extent the costs are not reimbursed by the federal Comprehensive Environmental

Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(8) For payment of all costs of actions taken pursuant to subdivision (b) of Section 25358.3, to the extent that these costs are not paid by the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(9) For all costs incurred by the department in cooperation with the Agency for Toxic Substances and Disease Registry established pursuant to subsection (i) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(i)) and all costs of health effects studies undertaken regarding specific sites or specific substances at specific sites. Funds appropriated for this purpose shall not exceed five hundred thousand dollars ($500,000) in a single fiscal year. However, these actions shall not duplicate reasonably available federal actions and studies.

(10) For repayment of the principal of, and interest on, bonds sold pursuant to Article 7.5 (commencing with Section 25385) of Chapter 6.8.

(11) Direct site remediation costs.

(12) For the department's expenses for staff to perform oversight of investigations, characterizations, removals, remediations, or long-term operation and maintenance.

(13) For the administration and collection of the fees imposed pursuant to Section 25205.6.

(14) For allocation to the office of the Attorney General, pursuant to an interagency agreement or similar mechanism, for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of Chapter 6.8 (commencing with Section 25300), Chapter 6.86 (commencing with Section 25396), Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(15) For funding the California Environmental Contaminant Biomonitoring Program established pursuant to Chapter 8 (commencing with Section 105440) of Part 5 of Division 103.

(16) As provided in Sections 25214.3 and 25215.7 and, with regard to penalties recovered pursuant to Section 25214.22.1, to implement and enforce Article 10.4 (commencing with Section 25214.11).

(17) For the costs of performance or review of analyses of past, present, or potential environmental public health effects related to extremely hazardous waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

(18) For costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) The funds deposited in the Toxic Substances Control Account may be appropriated by the Legislature to the Office of Environmental Health Hazard Assessment and the State Department of Public Health for purposes of carrying out their duties pursuant to the California Environmental Contaminant Biomonitoring Program (Chapter 8 (commencing with Section 105440) of Part 5 of Division 103).

(d) The director shall expend federal funds in the Toxic Substances Control Account consistent with the requirements specified in Section 114 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9614), upon appropriation by the Legislature, for the purposes for which they were provided to the state.

(e) Money in the Toxic Substances Control Account shall not be expended to conduct removal or remedial actions if a significant portion of the hazardous substances to be removed or remedied originated from a source outside the state.

(f) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Toxic Substances Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(g) The Toxic Substances Control Account established pursuant to subdivision (a) is the successor fund of all of the following:

(1) The Hazardous Substance Account established pursuant to Section 25330, as that section read on June 30, 2006.

(2) The Hazardous Substance Clearing Account established pursuant to Section 25334, as that section read on June 30, 2006.

(3) The Hazardous Substance Cleanup Fund established pursuant to Section 25385.3, as that section read on June 30, 2006.

(4) The Superfund Bond Trust Fund established pursuant to Section 25385.8, as that section read on June 30, 2006.

(h) On and after July 1, 2006, all assets, liabilities, and surplus of the accounts and funds listed in subdivision (g), shall be transferred to, and become a part of, the Toxic Substances Control Account, as provided by Section 16346 of the Government Code. All existing appropriations from these accounts, to the extent encumbered, shall continue to be available for the same purposes and periods from the Toxic Substances Control Account.

(i) This section shall become operative on January 1, 2022.

SEC. 24. Section 25174 of the Health and Safety Code is amended to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account,

pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25174.1, 25205.2, 25205.5, 25205.14, 25205.15, and 25205.16.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the administration and implementation of this chapter.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Sections 43051 and 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) that are deposited into the Hazardous Waste Control Account.

(3) To the department for the costs of performance or review of analyses of past, present, or potential environmental public health effects related to toxic substances, including extremely hazardous waste, as defined in Section 25115, and hazardous waste, as defined in Section 25117.

(4) (A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General, in carrying out the purposes of this chapter.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph and paragraph (14) of subdivision (b) of Section 25173.6. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(5) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(c) (1) Expenditures from the Hazardous Waste Control Account for support of state agencies other than the department shall, upon appropriation by the Legislature to the department, be subject to an interagency agreement or similar mechanism between the department and the state agency receiving the support.

(2) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b) and in paragraph (3) of subdivision (b) of Section 25173.6, for the upcoming fiscal year.

(3) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Article 9.1 (commencing with Section 25205.1) and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) With respect to expenditures for the purposes of paragraphs (1) and (3) of subdivision (b) and paragraphs (1) and (2) of subdivision (b) of Section 25173.6, the department shall, at the time of the release of the annual Governor's Budget, also make available the budgetary amounts and allocations of staff resources of the department proposed for the following activities:

(1) The department shall identify, by permit type, the projected allocations of budgets and staff resources for hazardous waste facilities permits, including standardized permits, closure plans, and postclosure permits.

(2) The department shall identify, with regard to surveillance and enforcement activities, the projected allocations of budgets and staff resources for the following types of regulated facilities and activities:

(A) Hazardous waste facilities operating under a permit or grant of interim status issued by the department, and generator activities conducted at those facilities. This information shall be reported by permit type.

(B) Transporters.

(C) Response to complaints.

(3) The department shall identify the projected allocations of budgets and staff resources for both of the following activities:

(A) The registration of hazardous waste transporters.

(B) The operation and maintenance of the hazardous waste manifest system.

(4) The department shall identify, with regard to site mitigation and corrective action, the projected allocations of budgets and staff resources for the oversight and implementation of the following activities:

(A) Investigations and removal and remedial actions at military bases.

(B) Voluntary investigations and removal and remedial actions.

(C) State match and operation and maintenance costs, by site, at joint state and federally funded National Priority List Sites.

(D) Investigation, removal and remedial actions, and operation and maintenance at the Stringfellow Hazardous Waste Site.

(E) Investigation, removal and remedial actions, and operation and maintenance at the Casmalia Hazardous Waste Site.

(F) Investigations and removal and remedial actions at nonmilitary, responsible party lead National Priority List Sites.

(G) Preremedial activities under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.).

(H) Investigations, removal and remedial actions, and operation and maintenance at state-only orphan sites.

(I) Investigations and removal and remedial actions at nonmilitary, non-National Priority List responsible party lead sites.

(J) Investigations, removal and remedial actions, and operation and maintenance at Expedited Remedial Action Program sites pursuant to former Chapter 6.85 (commencing with Section 25396).

(K) Corrective actions at hazardous waste facilities.

(5) The department shall identify, with regard to the regulation of hazardous waste, the projected allocation of budgets and staff resources for the following activities:

(A) Determinations pertaining to the classification of hazardous wastes.

(B) Determinations for variances made pursuant to Section 25143.

(C) Other determinations and responses to public inquiries made by the department regarding the regulation of hazardous waste and hazardous substances.

(6) The department shall identify projected allocations of budgets and staff resources needed to do all of the following:

(A) Identify, remove, store, and dispose of, suspected hazardous substances or hazardous materials associated with the investigation of clandestine drug laboratories.

(B) Respond to emergencies pursuant to Section 25354.

(C) Create, support, maintain, and implement the railroad accident prevention and immediate deployment plan developed pursuant to Section 7718 of the Public Utilities Code.

(7) The department shall identify projected allocations of budgets and staff resources for the administration and implementation of the unified hazardous waste and hazardous materials regulatory program established pursuant to Chapter 6.11 (commencing with Section 25404).

(8) The department shall identify the total cumulative expenditures of the Regulatory Structure Update and Site Mitigation Update projects since their inception, and shall identify the total projected allocations of budgets and staff resources that are needed to continue these projects.

(9) The department shall identify the total projected allocations of budgets and staff resources that are necessary for all other activities proposed to be conducted by the department.

(e) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds that are required to be deposited into the Hazardous Waste Control Account or the Toxic Substances Control Account, the department, with the approval of the secretary, may take any of the following actions:

(1) Assume responsibility for, or enter into a contract with a private party or with another public agency, other than the California Department of Tax and Fee Administration, for the collection of any fees, surcharges, fines, penalties and funds described in subdivision (a) or otherwise described in this chapter or Chapter 6.8 (commencing with Section 25300), for deposit into the Hazardous Waste Control Account or the Toxic Substances Control Account.

(2) Administer, or by mutual agreement, contract with a private party or another public agency, for the making of those determinations and the performance of functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration pursuant to this chapter, Chapter 6.8 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if those activities and functions for which the California Department of Tax and Fee Administration would otherwise be responsible become the responsibility of the department or, by mutual agreement, the contractor selected by the department.

(f) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall be responsible for ensuring that persons who are subject to the fees specified in subdivision (e) have equivalent rights to public notice and comment, and procedural and substantive rights of appeal, as afforded by the procedures of the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the administrative adjustment of fee rates and the administrative appeal of any fees or penalty assessments made pursuant to this section may only be assigned by the department to a public agency.

(g) If, pursuant to subdivision (e), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall have equivalent authority to make collections and enforce judgments as provided to the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Unpaid amounts, including penalties and

interest, shall be a perfected and enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

(h) The department, with the concurrence of the secretary, shall determine which administrative functions should be retained by the California Department of Tax and Fee Administration, administered by the department, or assigned to another public agency or private party pursuant to subdivisions (e), (f), and (g).

(i) The department may adopt regulations to implement subdivisions (e) to (h), inclusive.

(j) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(k) The department shall establish, within the Hazardous Waste Control Account, a reserve of at least one million dollars ($1,000,000) each year to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls.

(*l*) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 25. Section 25174 is added to the Health and Safety Code, to read:

25174. (a) There is in the General Fund the Hazardous Waste Control Account, which shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Control Account, pursuant to statute, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Section 25205.5.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Control Account.

(4) Any money received from the federal government pursuant to the federal act to pay for department costs at sites or activities at sites other than those operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Control Account for services provided by the department pursuant to this chapter at a site other than a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Control Account may be appropriated by the Legislature, for expenditure as follows:

(1) To the department for the costs to administer and implement this chapter, but not including the costs of regulatory activities at sites operated by a hazardous waste facility authorized to operate under this chapter, and

not including regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.5 that are deposited into the Hazardous Waste Control Account.

(3) (A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, but not for purposes related to a site operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, and not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for administration and implementation of Chapter 6.11 (commencing with Section 25404).

(5) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) (1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.5, and deposited in the Hazardous Waste Control Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon the request of the director, may make a loan from the General Fund to the Hazardous Waste Control Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(e) This section shall become operative on January 1, 2022.

SEC. 26. Section 25174.01 is added to the Health and Safety Code, to read:

25174.01. (a) The Hazardous Waste Facilities Account is established within the Hazardous Waste Control Account and shall be administered by the director. In addition to any other money that may be deposited in the Hazardous Waste Facilities Account pursuant to this chapter, all of the following amounts shall be deposited in the account:

(1) The fees collected pursuant to Sections 25205.2.

(2) The fees collected pursuant to Section 25187.2, to the extent that those fees are for the oversight of corrective action taken under this chapter at a site operated by a hazardous waste facility authorized to operate under this chapter.

(3) Any interest earned upon the money deposited in the Hazardous Waste Facilities Account.

(4) Any money received from the federal government pursuant to the federal act to pay department costs at sites operated by a hazardous waste facility authorized to operate under this chapter.

(5) Any reimbursements for funds expended from the Hazardous Waste Facilities Account for services provided by the department pursuant to this chapter at a site operated by a hazardous waste facility authorized to operate under this chapter, including, but not limited to, the reimbursements required pursuant to Sections 25201.9 and 25205.7.

(b) The funds deposited in the Hazardous Waste Facilities Account may be appropriated by the Legislature for expenditure as follows:

(1) To the department for the costs to administer and implement this chapter at sites operated by a hazardous waste facility authorized to operate under this chapter, but not for the costs of regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(2) To the department for allocation to the California Department of Tax and Fee Administration to pay refunds of fees collected pursuant to Section 43053 of the Revenue and Taxation Code and for the administration and collection of the fees imposed pursuant to Section 25205.2 that are deposited into the Hazardous Waste Facilities Account.

(3) (A) To the department for allocation to the office of the Attorney General for the support of the Toxic Substance Enforcement Program in the office of the Attorney General in carrying out investigations, inspections, and audits, and the administrative enforcement and adjudication thereof, for purposes of this chapter, at sites operated by a hazardous waste facility authorized to operate under this chapter or related to the owner or operator of a hazardous waste facility authorized to operate under this chapter, but not for regulatory activities authorized under Article 10 (commencing with Section 25210), Article 10.01 (commencing with Section 25210.5), Article 10.02 (commencing with Section 25210.9), Article 10.1.1 (commencing with Section 25214.1), Article 10.1.2 (commencing with Section 25214.4.3), Article 10.2.1 (commencing with Section 25214.8.1), Article 10.4 (commencing with Section 25214.11), Article 10.5 (commencing with Section 25215), Article 10.5.1 (commencing with Section 25215.8), Article 13.5 (commencing with Section 25250.50), Article 14 (commencing with Section 25251), and Section 25214.10.

(B) On or before October 1 of each year, the Attorney General shall report to the Legislature on the expenditure of any funds allocated to the office of the Attorney General for the preceding fiscal year pursuant to this paragraph. The report shall include all of the following:

(i) A description of cases resolved by the office of the Attorney General through settlement or court order, including the monetary benefit to the department and the state.

(ii) A description of injunctions or other court orders benefiting the people of the state.

(iii) A description of any cases in which the Attorney General's Toxic Substance Enforcement Program is representing the department or the state against claims by defendants or responsible parties.

(iv) A description of other pending litigation handled by the Attorney General's Toxic Substance Enforcement Program.

(C) Nothing in subparagraph (B) shall require the Attorney General to report on any confidential or investigatory matter.

(4) To the department for costs incurred by the Board of Environmental Safety in the administration and implementation of its duties and responsibilities established in Article 2.1 (commencing with Section 25125).

(c) (1) The department shall, at the time of the release of the annual Governor's Budget, describe the budgetary amounts proposed to be allocated to the California Department of Tax and Fee Administration, as specified in paragraph (2) of subdivision (b).

(2) It is the intent of the Legislature that moneys appropriated in the annual Budget Act each year for the purpose of reimbursing the California Department of Tax and Fee Administration, a private party, or other public agency, for the administration and collection of the fees imposed pursuant to Section 25205.2 and deposited in the Hazardous Waste Facilities Account, shall not exceed the costs incurred by the California Department of Tax and Fee Administration, the private party, or other public agency, for the administration and collection of those fees.

(d) The Director of Finance, upon request of the director, may make a loan from the General Fund to the Hazardous Waste Facilities Account to meet cash needs. The loan shall be subject to the repayment provisions of Section 16351 of the Government Code and the interest provisions of Section 16314 of the Government Code.

(e) This section shall become operative on July 1, 2022.

SEC. 27. Section 25174.02 is added to the Health and Safety Code, to read:

25174.02. (a) Notwithstanding this chapter, or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, for any fees, surcharges, fines, penalties, and funds that are required to be deposited into the Hazardous Waste Control Account, the Hazardous Waste Facilities Account, or the Toxic Substances Control Account, the department, with the approval of the secretary, may take either of the following actions:

(1) Assume responsibility for, or enter into a contract with a private party or with another public agency, other than the California Department of Tax and Fee Administration, for the collection of any fees, surcharges, fines, penalties and funds described in Chapter 6.8 (commencing with Section 25300), for deposit into the Toxic Substances Control Account.

(2) Administer, or by mutual agreement, contract with a private party or another public agency, for the making of those determinations and the performance of functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration pursuant to Chapter 6.8 (commencing with Section 25300), or Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code, if those activities and functions for which the California Department of Tax and Fee Administration would otherwise be responsible become the responsibility of the department or, by mutual agreement, the contractor selected by the department.

(b) If, pursuant to subdivision (a), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall be responsible for ensuring that persons who are subject to the fees specified in subdivision (a) have equivalent rights to public notice and comment, and procedural and substantive rights of appeal, as afforded by the procedures of the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Final responsibility for the administrative adjustment of fee rates and the administrative appeal of any fees or penalty assessments made pursuant to this section may only be assigned by the department to a public agency.

(c) If, pursuant to subdivision (a), the department, or a private party or another public agency, pursuant to a contract with the department, performs the determinations and functions that would otherwise be the responsibility of the California Department of Tax and Fee Administration, the department shall have equivalent authority to make collections and enforce judgments as provided to the California Department of Tax and Fee Administration pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code. Unpaid amounts, including penalties and interest, shall be a perfected and enforceable state tax lien in accordance with Section 43413 of the Revenue and Taxation Code.

(d) The department, with the concurrence of the secretary, shall determine which administrative functions should be retained by the California Department of Tax and Fee Administration, administered by the department, or assigned to another public agency or private party pursuant to subdivisions (a), (b), and (c).

(e) The department may adopt regulations to implement this section.

(f) This section shall become operative on January 1, 2022.

SEC. 28. Section 25174.1 of the Health and Safety Code is amended to read:

25174.1. (a) Each person who disposes of hazardous waste in this state shall pay a fee for the disposal of hazardous waste to land, based on the type of waste placed in a disposal site, in accordance with this section and Section 25174.6.

(b) "Disposal fee" means the fee imposed by this section.

(c) For purposes of this section, "dispose" and "disposal" include "disposal," as defined in Section 25113, including, but not limited to, "land treatment," as defined in subdivision (n) of Section 25205.1.

(d) Each operator of a hazardous waste facility authorized to operate under this chapter, at which hazardous wastes are disposed, shall collect a fee from any person submitting hazardous waste for disposal and shall transmit the fees to the California Department of Tax and Fee Administration for the disposal of those wastes. The operator shall be considered the taxpayer for purposes of Section 43151 of the Revenue and Taxation Code. The facility operator is not required to collect and transmit the fee for a

hazardous waste if the operator maintains written evidence that the hazardous waste is eligible for the exemption provided by Section 25174.7 or otherwise exempted from the fees pursuant to this chapter. The written evidence may be provided by the operator or by the person submitting the hazardous waste for disposal, and shall be maintained by the operator at the facility for a minimum of three years from the date that the waste is submitted for disposal. If the operator submits the hazardous waste for disposal, the operator shall pay the same fee as would any other person.

(e) Notwithstanding subdivision (d), the disposal facility shall not be liable for the underpayment of any disposal fees for hazardous waste submitted for disposal by a person other than the operator, if the person submitting the hazardous waste to the disposal facility has done either of the following:

(1) Mischaracterized the hazardous waste.

(2) Misrepresented any exemptions pursuant to Section 25174.7 or any other exemption from the disposal fee provided pursuant to this chapter.

(f) (1) Any additional payment of disposal fees that are due to the California Department of Tax and Fee Administration as a result of a mischaracterization of a hazardous waste, a misrepresentation of an exemption, or any other error, shall be the responsibility of the person making the mischaracterization, misrepresentation, or error.

(2) In the event of a dispute regarding the responsibility for a mischaracterization, misrepresentation, or other error, for which additional payment of disposal fees are due, the California Department of Tax and Fee Administration shall assign responsibility for payment of the fee to that person, or those persons, it determines responsible for the mischaracterization, misrepresentation, or other error, provided that the person, or persons, has the right to a public hearing and comment, and the procedural and substantive rights of appeal pursuant to Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(3) Any generator, transporter, or owner or operator of a disposal facility shall report to the department and the California Department of Tax and Fee Administration any information regarding any such mischaracterization, misrepresentation, or error, which could affect the disposal fee, within 30 days of that information first becoming known to that person.

(g) The California Department of Tax and Fee Administration shall deposit the fees collected pursuant to this section in the Hazardous Waste Control Account, for expenditure by the department, upon appropriation by the Legislature.

(h) The operator of the facility that disposes of the hazardous waste to land shall provide to every person who submits hazardous waste for disposal at the facility a statement showing the amount of hazardous waste fees payable pursuant to this section.

(i) Any person who disposes of hazardous waste at any site that is not a hazardous waste facility authorized to operate under this chapter shall be responsible for payment of fees pursuant to this section and shall be the taxpayer for purposes of Section 43151 of the Revenue and Taxation Code.

(j) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(k) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 29. Section 25174.2 of the Health and Safety Code is amended to read:

25174.2. (a) The base rate for the hazardous wastes specified in Section 25174.6 which are disposed of or submitted for disposal in the state is eighty-five dollars and twenty-four cents ($85.24) per ton for disposal of hazardous waste to land.

(b) The base rate specified in subdivision (a) is the base rate for the period of January 1, 1997, to December 31, 1997. Beginning with calendar year 1998, and for each year thereafter, the California Department of Tax and Fee Administration shall adjust the base rate annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency.

(c) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(d) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 30. Section 25174.6 of the Health and Safety Code is amended to read:

25174.6. (a) The fee provided pursuant to Section 25174.1 shall be determined as a percentage of the base rate, as adjusted by the California Department of Tax and Fee Administration, pursuant to Section 25174.2, or as otherwise provided by this section. The procedure for determining these fees is as follows:

(1) The following fees shall be paid for each ton, or fraction of a ton, for up to the first 5,000 tons of the following hazardous wastes disposed of, or submitted for disposal, in the state at each specific offsite facility by each producer, or at each specific onsite facility, per month, if the hazardous wastes are not otherwise subject to the fee specified in paragraph (3) or (4) and are not otherwise exempt from the fees imposed pursuant to this article:

(A) For non-RCRA hazardous waste, excluding asbestos, generated in a remedial action, a removal action, or a corrective action taken pursuant to this chapter, Chapter 6.7 (commencing with Section 25280), Chapter 6.75 (commencing with Section 25299.10), or Chapter 6.8 (commencing with Section 25300), or generated in any other required or voluntary cleanup, removal, or remediation of a hazardous substance or non-RCRA hazardous waste, a fee of five dollars and seventy-two cents ($5.72) per ton.

(B) For all other non-RCRA hazardous waste, a fee of 16.31 percent of the base rate for each ton.

(2) Thirteen percent of the base rate for each ton, or fraction of a ton, shall be paid for up to the first 5,000 tons of hazardous waste disposed of, or submitted for disposal, in the state, at each specific offsite facility by each producer, or at each specific onsite facility, per month, which result

from the extraction, beneficiation, and processing of ores and minerals, including phosphate rock and the overburden from the mining of uranium ore and that is not otherwise subject to the fee specified in paragraph (3) or (4).

(3) Two hundred percent of the base rate shall be paid for each ton, or fraction of a ton, of extremely hazardous waste disposed of, or submitted for disposal, in the state.

(4) Two hundred percent of the base rate shall be paid for each ton, or fraction of a ton, of restricted hazardous wastes listed in subdivision (b) of Section 25122.7 disposed of, or submitted for disposal, in the state.

(5) Forty and four-tenths percent of the base rate shall be paid for each ton, or fraction of a ton, of hazardous waste disposed of, or submitted for disposal, in the state that is not otherwise subject to the fees specified in paragraph (1), (2), (3), (4), or (6).

(6) Five percent of the base rate shall be paid for each ton, or fraction of a ton, of hazardous waste disposed of, or submitted for disposal, in the state that is a solid hazardous waste residue resulting from incineration or dechlorination. Fees shall not be imposed pursuant to this paragraph on a solid hazardous waste residue resulting from incineration or dechlorination that is disposed of, or submitted for disposal, outside of the state.

(7) Fifty percent of the fee that would otherwise be paid for each ton, or fraction of a ton, of hazardous waste disposed of in the state that is a solid hazardous waste residue resulting from treatment of a treatable waste by means of a designated treatment technology, as defined in Section 25179.2. Fees shall not be imposed pursuant to this paragraph on a solid hazardous waste residue resulting from treatment of a treatable waste by means of a designated treatment technology that is not a hazardous waste or that is disposed of, or submitted for disposal, outside of the state.

(b) The amount of fees payable to the California Department of Tax and Fee Administration pursuant to this section shall be calculated using the total wet weight, measured in tons or fractions of a ton, of the hazardous waste in the form in which the hazardous waste existed at the time of disposal, submission for disposal, or application to land using a land disposal method, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, if all of the following apply:

(1) The weight of any nonhazardous reagents or treatment additives added to the waste, after it has been submitted for disposal, for purposes of rendering the waste less hazardous, shall not be included in those calculations.

(2) Except as provided by paragraph (7) of subdivision (a), any RCRA hazardous waste received, treated, and disposed at the disposal facility shall be subject to a disposal fee pursuant to this section as if it were a non-RCRA hazardous waste, if the waste, due to treatment, is no longer a RCRA hazardous waste at the time of disposal.

(c) All fees imposed by this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(d) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(e) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 31. Section 25174.7 of the Health and Safety Code is amended to read:

25174.7. (a) The fees provided for in Sections 25174.1 and 25205.5 do not apply to any of the following:

(1) Hazardous wastes that result when a government agency, or its contractor, removes or remedies a release of hazardous waste in the state caused by another person.

(2) Hazardous wastes generated or disposed of by a public agency operating a household hazardous waste collection facility in the state pursuant to Article 10.8 (commencing with Section 25218), including, but not limited to, hazardous waste received from conditionally exempt small quantity commercial generators, authorized pursuant to Section 25218.3.

(3) Hazardous wastes generated or disposed of by local vector control agencies that have entered into a cooperative agreement pursuant to Section 116180 or by county agricultural commissioners, if the hazardous wastes result from their control or regulatory activities and if they comply with the requirements of this chapter and regulations adopted pursuant this chapter.

(4) Hazardous waste disposed of, or submitted for disposal or treatment, by any person, which is discovered and separated from solid waste as part of a load checking program.

(b) Notwithstanding paragraph (1) of subdivision (a), any person responsible for a release of hazardous waste that has been removed or remedied by a government agency, or its contractor, shall pay the fee pursuant to Section 25174.1.

(c) Any person who acquires land for the sole purpose of owner-occupied single-family residential use, and who acquires that land without actual or constructive notice or knowledge that there is a tank containing hazardous waste on or under that property, is exempt from the fees imposed pursuant to Sections 25174.1 and 25205.5, in connection with the removal of the tank.

(d) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(e) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 32. Section 25174.8 is added to the Health and Safety Code, to read:

25174.8. (a) The fee provided for in Section 25205.5 does not apply to any of the following:

(1) (A) Hazardous wastes that result when a governmental agency, or its contractor, removes or remedies a release of hazardous waste in the state caused by another person.

(B) Notwithstanding subparagraph (A), a person responsible for a release of hazardous waste that has been removed or remedied by a governmental agency, or its contractor, shall pay the fee pursuant to Section 25205.5.

(2) Hazardous wastes generated or disposed of by a public agency operating a household hazardous waste collection facility in the state pursuant to Article 10.8 (commencing with Section 25218), including, but not limited to, hazardous waste received from conditionally exempt small quantity commercial generators authorized pursuant to Section 25218.3.

(3) Hazardous waste disposed of, or submitted for disposal or treatment, that is generated by any person and that is discovered and separated from solid waste as part of a load checking program.

(4) Hazardous waste that is used oil collected from the public and generated by a used oil collection center certified by the Department of Resources Recycling and Recovery pursuant to Section 48660 of the Public Resources Code.

(b) The fee exemptions provided in paragraphs (2) and (4) of subdivision (a) shall continue to apply to the wastes that are eligible for the exemption, even if the waste is transferred, consolidated, or bulked and subsequently included on a manifest along with other nonexempt hazardous wastes.

(c) This section shall become operative on January 1, 2022, and shall apply to the generation and handling fees imposed pursuant to subdivision (a) of Section 25205.5.

SEC. 33. Section 25174.11 of the Health and Safety Code is repealed.

SEC. 34. Section 25175 of the Health and Safety Code is amended to read:

25175. (a) (1) The department shall prepare and adopt, by regulation, a list, and on or before January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified hazardous wastes that the department finds are economically and technologically feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state, taking into consideration various factors that shall include, but are not limited to, the quantities of, concentrations of, and potential contaminants in, these hazardous wastes, the number and location of recycling facilities, and the proximity of these facilities to hazardous waste generators.

(2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is transported offsite for disposal, the department may request, in writing, by certified mail with return receipt requested, and the generator of that waste shall supply the department with, a formal, complete, and detailed statement justifying why the waste was not recycled. The generator shall supply the statement in writing, by certified mail with return receipt requested, within 30 calendar days of receipt of the department's request. This statement shall include the generator's assessment of the economic and technological feasibility of recycling the wastes and may include, but need not to be limited to, the generator's good faith determination that sending the hazardous waste to any recycling facility where it is feasible to recycle that hazardous waste would constitute an

unacceptable environmental or business risk. This determination by the generator shall be based upon an environmental audit or other reasonably diligent investigation of the environmental and other relevant business practices of the recycling facility or facilities where it would otherwise be feasible to recycle the waste. If the request is made of any entity listed in Section 25118 other than an individual, the statement shall be issued by the responsible management of that entity. The department shall keep confidential any trade secrets contained in that statement.

(3) On or before January 1, 2002, the department shall establish a procedure for the department to independently verify whether any hazardous waste identified in the list adopted pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before January 1, 2002, prepare and adopt those regulations that the department finds necessary to ensure that it can fully perform its duties pursuant to subdivisions (k) and (*l*) of Section 25170 to encourage the exchange of hazardous waste and to establish and maintain an information clearinghouse of hazardous wastes that may be recyclable.

(4) On or before July 1, 2000, the department shall establish an advisory committee to advise the department on the development of the regulations required or authorized by this section and on the department's implementation of this section. The advisory committee shall consist of representatives of generators, hazardous waste facility operators, environmental organizations, the Legislature, and other interested parties.

(5) In determining to which generators the department will send the request specified in paragraph (2), the department shall give priority to notifying generators transporting offsite for disposal more than 1,000 pounds per year of the type of hazardous waste that would be the subject of the request, to the extent this prioritization is feasible within the information management capabilities of the department.

(b) (1) If, after the department receives a statement from a generator pursuant to paragraph (2) of subdivision (a), the department finds the recycling of a hazardous waste to be economically and technologically feasible, the department shall inform the generator, in writing, by certified mail, return receipt requested, that 30 days after the date the generator receives notice of the department's finding, any of the generators' hazardous waste transported offsite to which the department's finding applies shall, after that date, be recycled. The department may establish procedures for rescinding or modifying any finding made by the department pursuant to this paragraph if there is a pertinent change in circumstances related to that finding.

(2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous waste to be economically and technologically feasible if a generator includes a good faith determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous waste constitutes an unacceptable environmental or business risk.

(c) A generator who does not recycle a hazardous waste after the generator receives a notice of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically and technologically feasible to recycle is subject to five times the disposal fee that would otherwise apply to the disposal of that hazardous waste pursuant to Section 25174.1.

(d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set forth in subdivision (a) of Section 25121.1.

(e) This section applies only to fees due for the 2021 and earlier reporting periods.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 35. Section 25175 is added to the Health and Safety Code, to read:

25175. (a) (1) The department shall prepare and adopt, by regulation, a list, and on or before January 1, 2002, and when appropriate thereafter, shall revise, by regulation, that list, of specified hazardous wastes that the department finds are economically and technologically feasible to recycle either onsite or at an offsite commercial hazardous waste recycling facility in the state, taking into consideration various factors that shall include, but are not limited to, the quantities of, concentrations of, and potential contaminants in, these hazardous wastes, the number and location of recycling facilities, and the proximity of these facilities to hazardous waste generators.

(2) Whenever any hazardous waste on the list adopted or revised pursuant to paragraph (1) is transported offsite for disposal, the department may request, in writing, by certified mail with return receipt requested, and the generator of that waste shall supply the department with, a formal, complete, and detailed statement justifying why the waste was not recycled. The generator shall supply the statement in writing, by certified mail with return receipt requested, within 30 calendar days of receipt of the department's request. This statement shall include the generator's assessment of the economic and technological feasibility of recycling the wastes and may include, but need not be limited to, the generator's good faith determination that sending the hazardous waste to any recycling facility where it is feasible to recycle that hazardous waste would constitute an unacceptable environmental or business risk. This determination by the generator shall be based upon an environmental audit or other reasonably diligent investigation of the environmental and other relevant business practices of the recycling facility or facilities where it would otherwise be feasible to recycle the waste. If the request is made of any entity listed in Section 25118 other than an individual, the statement shall be issued by the responsible management of that entity. The department shall keep confidential any trade secrets contained in that statement.

(3) On or before January 1, 2002, the department shall establish a procedure for the department to independently verify whether any hazardous waste identified in the list adopted pursuant to paragraph (1) is disposed of, rather than recycled. The department shall, on or before January 1, 2002, prepare and adopt those regulations that the department finds necessary to

ensure that it can fully perform its duties pursuant to subdivisions (k) and (l) of Section 25170 to encourage the exchange of hazardous waste and to establish and maintain an information clearinghouse of hazardous wastes that may be recyclable.

(4) On or before July 1, 2000, the department shall establish an advisory committee to advise the department on the development of the regulations required or authorized by this section and on the department's implementation of this section. The advisory committee shall consist of representatives of generators, hazardous waste facility operators, environmental organizations, the Legislature, and other interested parties.

(5) In determining to which generators the department will send the request specified in paragraph (2), the department shall give priority to notifying generators transporting offsite for disposal more than 1,000 pounds per year of the type of hazardous waste that would be the subject of the request, to the extent this prioritization is feasible within the information management capabilities of the department.

(b) (1) If, after the department receives a statement from a generator pursuant to paragraph (2) of subdivision (a), the department finds the recycling of a hazardous waste to be economically and technologically feasible, the department shall inform the generator, in writing, by certified mail, return receipt requested, that 30 days after the date the generator receives notice of the department's finding, any of the generators' hazardous waste transported offsite to which the department's finding applies shall, after that date, be recycled. The department may establish procedures for rescinding or modifying any finding made by the department pursuant to this paragraph if there is a pertinent change in circumstances related to that finding.

(2) Notwithstanding paragraph (1), the department shall not find the recycling of a hazardous waste to be economically and technologically feasible if a generator includes a good faith determination in the statement submitted pursuant to paragraph (2) of subdivision (a) that sending its hazardous waste to any recycling facility where it is otherwise feasible to recycle the hazardous waste constitutes an unacceptable environmental or business risk.

(c) A generator who does not recycle a hazardous waste after the generator receives a notice of the departments' findings pursuant to subdivision (b) that the hazardous waste is economically and technologically feasible to recycle is subject to five times the generation and handling fee that would otherwise apply to the generation and handling of that hazardous waste pursuant to Section 25205.5.

(d) For purposes of this section, "recycle" and "recycling" shall have the same meaning as set forth in subdivision (a) of Section 25121.1.

(e) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 36. Section 25178.1 of the Health and Safety Code is amended to read:

25178.1. (a) The California Department of Tax and Fee Administration shall provide quarterly reports to the Legislature on the fees collected pursuant to Sections 25205.2 and 25205.5. The reports shall be due on the 15th day of the second month following each quarter.

(b) The report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 37. Section 25187.3 is added to the Health and Safety Code, to read:

25187.3. (a) An owner or operator of a facility for which corrective action under department oversight is required shall include a corrective action cost estimate in any corrective measures study submitted to the department pursuant to an order issued or agreement entered into pursuant to Section 25187 for a release, as defined in Chapter 6.8 (commencing with Section 25300), of hazardous waste, hazardous waste constituents, or hazardous substances, as defined in Chapter 6.8 (commencing with Section 25300), into the environment from the facility.

(b) An owner or operator of a facility for which corrective action under department oversight is required shall demonstrate financial assurances within 90 days of the department's approval of a corrective action cost estimate as required by subdivision (a), or by Section 25246.1, and shall maintain financial assurances until the department determines that all required corrective actions are complete.

(c) (1) For purposes of subdivision (b), an owner or operator of a facility for which corrective action under department oversight is required shall demonstrate and maintain one or more of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) (A) As an alternative to the financial assurance requirement of paragraph (1), an owner or operator of a facility for which corrective action under department oversight is required may demonstrate and maintain financial assurances by means of a financial assurance mechanism other than those described in paragraph (1), if the alternative financial assurance mechanism has been submitted to, and approved by, the department as being at least equivalent to the financial assurance mechanisms described in paragraph (1).

(B) The department shall evaluate the equivalency of the proposed alternative financial assurance mechanism principally in terms of the certainty of the availability of funds for required corrective action activities and the amount of funds that will be made available. The department shall require the owner or operator of the facility to submit any information deemed necessary by the department to make a determination regarding the equivalency of the proposed alternative financial assurance mechanism.

(d) The department shall waive the financial assurances required by subdivision (b) if the owner or operator of the facility is a federal or state governmental entity.

(e) An owner or operator may satisfy the requirements of this section by demonstrating to the department that it has provided financial assurance for corrective action to the State Water Resources Control Board or a California regional water quality control board for the same release identified by the department.

(f) For facilities for which sole jurisdiction has been granted pursuant to subdivision (b) of Section 25204.6, the department shall not require additional financial assurances unless it is the lead agency or is directed by the lead agency that has sole jurisdiction pursuant to subdivision (b) of Section 25204.6. This section does not alter the State Water Resources Control Board's rules and regulations regarding financial assurances.

SEC. 38. Section 25200 of the Health and Safety Code is amended to read:

25200. (a) The department shall issue a hazardous waste facilities permit to use and operate one or more hazardous waste management units at a hazardous waste facility that, in the judgment of the department, meet the building standards published in the State Building Standards Code relating to hazardous waste facilities and the other standards and requirements adopted pursuant to this chapter. The department shall impose conditions on a hazardous waste facilities permit specifying the types of hazardous wastes that may be accepted for transfer, storage, treatment, or disposal. The department may impose any other conditions on a hazardous waste facilities permit that are consistent with the intent of this chapter.

(b) The department may impose, as a condition of a hazardous waste facilities permit, a requirement that the owner or operator of a hazardous waste facility that receives hazardous waste from more than one producer comply with any order of the director that prohibits the hazardous waste facility operator from refusing to accept a hazardous waste based on geographical origin that is authorized to be accepted and may be accepted by the facility without extraordinary hazard.

(c) (1) (A) A hazardous waste facilities permit issued by the department, including a standardized permit issued pursuant to Section 25201.6, shall be for a fixed term, which shall not exceed 10 years.

(B) To the extent not inconsistent with the federal act, if, before the end of a hazardous waste facilities permit's fixed term, a Part A and Part B application for the renewal of an existing hazardous waste facilities permit has been deemed complete, as specified in paragraph (4), a signed written cost reimbursement agreement and the 25-percent advance payment required pursuant to Section 25205.7, if applicable, have been submitted to and received by the department, and any other information requested by the department has been submitted to and received by the department, the hazardous waste facilities permit shall be deemed extended until either of the following:

(i) The department approves the hazardous waste facilities permit renewal application and the new hazardous waste facilities permit is effective.

(ii) The department denies the hazardous waste facilities permit renewal application and all parties have exhausted all applicable rights of appeal.

(C) (i) An owner or operator of a hazardous waste facility with a hazardous waste facilities permit that expires before January 1, 2025, seeking to renew that hazardous waste facilities permit shall submit a Part A and Part B application to the department at least 180 days before the end of the hazardous waste facilities permit's fixed term.

(ii) The department shall post on its internet website, and update on at least a monthly basis, the estimated date for a permit decision for all hazardous waste facilities permits subject to this subparagraph.

(iii) The department shall issue a decision on a hazardous waste facilities permit renewal application for a hazardous waste facility subject to this subparagraph within three years of the effective date of this section or within three years after the end of the hazardous waste facilities permit's fixed term, whichever is later.

(D) (i) An owner or operator of a hazardous waste facility with a hazardous waste facilities permit that expires on or after January 1, 2025, seeking to renew that hazardous waste facilities permit shall submit a Part A and Part B application at least two years before the end of the hazardous waste facilities permit's fixed term.

(ii) The department shall post on its internet website, and update on at least a monthly basis, the estimated date for a permit decision for all hazardous waste facilities permits subject to this subparagraph.

(iii) The department shall issue a decision on a hazardous waste facilities permit for a hazardous waste facility subject to this subparagraph no later than one year after the end of the hazardous waste facilities permit's fixed term.

(E) This subdivision does not limit or restrict the department's authority to impose any additional or different conditions on an extended hazardous waste facilities permit that are necessary to protect human health and the environment.

(F) In adopting new conditions for an extended hazardous waste facilities permit, the department shall follow the applicable permit modification procedures specified in this chapter and the regulations adopted pursuant to this chapter.

(G) When prioritizing pending hazardous waste facilities permit renewal applications for processing and in determining the need for any new conditions on an extended hazardous waste facilities permit, the department shall consider any input received from the public.

(2) The department shall review each hazardous waste facilities permit for a land disposal facility five years after the date of issuance or reissuance, and shall modify the permit, as necessary, to ensure that the land disposal facility continues to comply with the currently applicable requirements of this chapter and the regulations adopted pursuant to this chapter.

(3) This subdivision does not prohibit the department from reviewing, modifying, or revoking a hazardous waste facilities permit at any time during its term.

(4) For purposes of this subdivision, an application for the renewal of an existing hazardous waste facilities permit shall be deemed complete when

the department has notified the applicant in writing that the application is complete in accordance with subdivision (c) of Section 66271.2 of Title 22 of the California Code of Regulations.

(d) (1) When reviewing an application for renewal of a hazardous waste facilities' permit, the department shall consider improvements in the state of control and measurement technology, as well as changes in applicable regulations.

(2) A hazardous waste facilities permit issued or renewed under this section shall contain any terms and conditions that the department deems necessary to protect human health and the environment.

(e) A permit issued pursuant to the federal act by the United States Environmental Protection Agency to a hazardous waste facility in the state for which no state hazardous waste facilities permit has been issued by the department shall be deemed to be a state hazardous waste facilities permit and enforceable by the department until a state hazardous waste facilities permit is issued. In addition to complying with the terms and conditions specified in the federal permit deemed to be a state hazardous waste facilities permit pursuant to this subdivision, an owner or operator of a hazardous waste facility who holds that federal permit shall comply with the requirements of this chapter and the regulations adopted by the department to implement this chapter.

SEC. 39. Section 25200.05 is added to the Health and Safety Code, to read:

25200.05. (a) No later than 90 days after receiving an application for a hazardous waste facilities permit pursuant to Section 25200 or 25201.6, the department shall post on its internet website a timeline with the estimated dates of key milestones in the hazardous waste facilities permit application review process, which shall include, but are not limited to, the dates of all public meetings and the date for issuance of a draft hazardous waste facilities permit decision. The department shall note on its internet website that these dates are estimates, and shall update the dates as necessary.

(b) On or before March 31, 2022, the department shall post a timeline, as described in subdivision (a), for each hazardous waste facilities permit application under review by the department as of January 1, 2022.

SEC. 40. Section 25200.2 of the Health and Safety Code is amended to read:

25200.2. (a) The department shall develop a permitting process for transportable hazardous waste treatment units for treating hazardous waste in accordance with the federal act and in accordance with this chapter for hazardous wastes that are not otherwise subject to the federal act. The permitting process shall require the units to be permitted pursuant to the regulations of the department for operation pursuant to a permit-by-rule, a hazardous waste facilities permit, or pursuant to the regulations of the department for operation under a standardized permit adopted pursuant to Section 25201.6, whichever the department determines to be appropriate, by regulation, depending on the nature of the treatment units and the type

of hazardous waste to be treated, and without regard to whether the units are determined to be onsite or offsite treatment units.

(b) (1) The operator of a transportable hazardous waste treatment unit shall pay the same annual fee as facilities authorized to operate pursuant to a permit-by-rule specified in subdivision (a) of Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022. The operator of a unit is exempt from paying the facility fee specified in Section 25205.2 for any year or reporting period during which the unit was operating for any activity authorized under permit.

(2) Notwithstanding paragraph (1), the Legislature may authorize the department to recover the costs to manage the transportable treatment units should the actual costs exceed the revenue raised by the fees specified in Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

(c) A transportable hazardous waste treatment unit operating pursuant to a hazardous waste facilities permit, a standardized permit, or pursuant to the department's regulations for operation under a permit-by-rule may operate at a facility for a period not to exceed one year. If the owner or operator of the transportable hazardous waste treatment unit shows cause, the department may authorize up to two extensions of this period, of six months duration, during which the transportable hazardous waste treatment unit may operate at the facility, if the department reviews the justification for the extension request after the first six-month period.

(d) Notwithstanding any other provision of this section, if, as of March 1, 1996, the department has not issued proposed regulations, or has not adopted emergency regulations, to implement the changes made to this section by the act adding this subdivision, until the department issues or adopts those regulations, the department shall regulate all transportable treatment units operating pursuant to a permit-by-rule on January 1, 1996, pursuant to the regulations adopted by the department with regard to permit-by-rule, and shall regulate all transportable treatment units operating pursuant to a hazardous waste facilities permit on January 1, 1996, pursuant to the regulations providing for a standardized permit.

SEC. 41. Section 25200.3 of the Health and Safety Code is amended to read:

25200.3. (a) A generator who uses the following methods for treating RCRA or non-RCRA hazardous waste in tanks or containers, which is generated onsite, and which do not require a hazardous waste facilities permit under the federal act, shall, for those activities, be deemed to be operating pursuant to a grant of conditional authorization without obtaining a hazardous waste facilities permit or other grant of authorization and a generator is deemed to be granted conditional authorization pursuant to this section, upon compliance with the notification requirements specified in subdivision (e), if the treatment complies with the applicable requirements of this section:

(1) The treatment of aqueous wastes which are hazardous solely due to the presence of inorganic constituents, except asbestos, listed in subparagraph

(B) of paragraph (1) and subparagraph (A) of paragraph (2) of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations, and which contain not more than 1400 ppm total of these constituents, using the following treatment technologies:

(A) Phase separation, including precipitation, by filtration, centrifugation, or gravity settling, including the use of demulsifiers and flocculants in those processes.

(B) Ion exchange, including metallic replacement.

(C) Reverse osmosis.

(D) Adsorption.

(E) pH adjustment of aqueous waste with a pH of between 2.0 and 12.5.

(F) Electrowinning of solutions, if those solutions do not contain hydrochloric acid.

(G) Reduction of solutions which are hazardous solely due to the presence of hexavalent chromium, to trivalent chromium with sodium bisulfite, sodium metabisulfite, sodium thiosulfite, ferrous chloride, ferrous sulfate, ferrous sulfide, or sulfur dioxide, provided that the solution contains less than 750 ppm of hexavalent chromium.

(2) Treatment of aqueous wastes which are hazardous solely due to the presence of organic constituents listed in subparagraph (B) of paragraph (1), or subparagraph (B) of paragraph (2), of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations and which contain not more than 750 ppm total of those constituents, using either of the following treatment technologies:

(A) Phase separation by filtration, centrifugation, or gravity settling, but excluding supercritical fluid extraction.

(B) Adsorption.

(3) Treatment of wastes which are sludges resulting from wastewater treatment, solid metal objects, and metal workings which contain or are contaminated with, and are hazardous solely due to the presence of, constituents, except asbestos, listed in subparagraph (B) of paragraph (1) of, and subparagraph (A) of paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations, or treatment of wastes which are dusts which contain, or are contaminated with, and are hazardous solely due to the presence of, not more than 750 ppm total of those constituents, except asbestos, listed in subparagraph (B) of paragraph (1) of, and subparagraph (A) of paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations, using any of the following treatment technologies:

(A) Physical processes which constitute treatment only because they change the physical properties of the waste, such as filtration, centrifugation, gravity settling, grinding, shredding, crushing, or compacting.

(B) Drying to remove water.

(C) Separation based on differences in physical properties, such as size, magnetism, or density.

(4) Treatment of alum, gypsum, lime, sulfur, or phosphate sludges, using either of the following treatment technologies:

(A) Drying to remove water.

(B) Phase separation by filtration, centrifugation, or gravity settling.

(5) Treatment of wastes listed in Section 66261.120 of Title 22 of the California Code of Regulations, which meet the criteria and requirements for special waste classification in Section 66261.122 of Title 22 of the California Code of Regulations, using any of the following treatment technologies, if the waste is hazardous solely due to the presence of constituents, except asbestos, listed in subparagraph (B) of paragraph (1) of, and subparagraph (A) of paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations and the waste contains not more than 750 ppm total of those constituents:

(A) Drying to remove water.

(B) Phase separation by filtration, centrifugation, or gravity settling.

(C) Screening to separate components based on size.

(D) Separation based on differences in physical properties, such as size, magnetism, or density.

(6) Treatment of wastes, except asbestos, which have been classified by the department as special wastes pursuant to Section 66261.24 of Title 22 of the California Code of Regulations, using any of the following treatment technologies, if the waste is hazardous solely due to the presence of constituents, except asbestos, listed in subparagraph (B) of paragraph (1) of, and subparagraph (A) of paragraph (2) of, subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations and the waste contains not more than 750 ppm of those constituents:

(A) Drying to remove water.

(B) Phase separation by filtration, centrifugation, or gravity settling.

(C) Magnetic separation.

(7) Treatment of soils which are hazardous solely due to the presence of metals listed in subparagraph (A) of paragraph (2) of subdivision (a) of Section 66261.24 of Title 22 of the California Code of Regulations, using either of the following treatment technologies:

(A) Screening to separate components based on size.

(B) Magnetic separation.

(8) Except as provided in Section 25201.5, treatment of oil mixed with water and oil/water separation sludges, using any of the following treatment technologies:

(A) Phase separation by filtration, centrifugation, or gravity settling, but excluding supercritical fluid extraction. This phase separation may include the use of demulsifiers and flocculants in those processes, even if the processes involve the application of heat, if the heat is applied in totally enclosed tanks and containers, and if it does not exceed 160 degrees Fahrenheit, or any lower temperature which may be set by the department.

(B) Separation based on differences in physical properties, such as size, magnetism, or density.

(C) Reverse osmosis.

(9) Neutralization of acidic or alkaline wastes that are hazardous only due to corrosivity or toxicity that results only from the acidic or alkaline

material, in elementary neutralization units, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, if the wastes contain less than 10 percent acid or base constituents by weight, and are treated in tanks or containers and piping, constructed of materials compatible with the range of temperatures and pH levels, and subject to appropriate pH and temperature controls. If the waste contains more than 10 percent acid or base constituents by weight, the volume treated in a single batch at any one time shall not exceed 500 gallons.

(10) Treatment of spent cleaners and conditioners which are hazardous solely due to the presence of copper or copper compounds, subject to the following:

(A) The following requirements are met, in addition to all other requirements of this section:

(i) The waste stream does not contain more than 5000 ppm total copper.

(ii) The generator does not generate for treatment any more than 1000 gallons of the waste stream per month.

(iii) The treatment technologies employed are limited to those set forth in paragraph (1) for metallic wastes.

(iv) The generator keeps records documenting compliance with this subdivision, including records indicating the volume and concentration of wastes treated, and the management of related solutions which are not cleaners or conditioners.

(B) Cleaners and conditioners, for purposes of this paragraph, are solutions containing surfactants and detergents to remove dirt and foreign objects. Cleaners and conditioners do not include microetch, etchant, plating, or metal stripping solutions or solutions containing oxidizers, or any cleaner based on organic solvents.

(C) A grant of conditional authorization under this paragraph shall expire on January 1, 1998, unless extended by the department pursuant to this section.

(D) The department shall evaluate the treatment activities described in this paragraph and shall designate, by regulation, not later than January 1, 1997, those activities eligible for conditional authorization and those activities subject to permit-by-rule. In adopting regulations under this subparagraph, the department shall consider all of the following:

(i) The volume of waste being treated.

(ii) The concentration of the hazardous waste constituents.

(iii) The characteristics of the hazardous waste being treated.

(iv) The risks of the operation, and breakdown, of the treatment process.

(11) Any waste stream technology combination certified by the department, pursuant to Section 25200.1.5, as suitable for authorization pursuant to this section, that operates pursuant to the conditions imposed on that certification.

(b) Any treatment performed pursuant to this section shall comply with all of the following, except as to generators, who are treating hazardous waste pursuant to paragraph (11) of subdivision (a), who shall also comply

with any additional conditions of the specified certification if those conditions are different from those set forth in this subdivision:

(1) The total volume of hazardous waste treated in the unit in any calendar month shall not exceed 5,000 gallons or 45,000 pounds, whichever is less, unless the waste is a dilute aqueous waste described in paragraph (1), (2), or (9) of subdivision (a) or oily wastes as described in paragraph (8) of subdivision (a). The department may, by regulation, impose volume limitations on wastes which have no limitations under this section, as may be necessary to protect human health and safety or the environment.

(2) The treatment is conducted in tanks or containers.

(3) The treatment does not consist of the use of any of the following:

(A) Chemical additives, except for pH adjustment, chrome reduction, oil/water separation, and precipitation with the use of flocculants, as allowed by this section.

(B) Radiation.

(C) Electrical current except in the use of electrowinning, as allowed by this section.

(D) Pressure, except for reverse osmosis, filtration, and crushing, as allowed by this section.

(E) Application of heat, except for drying to remove water or demulsification, as allowed by this section.

(4) All treatment residuals and effluents are managed and disposed of in accordance with applicable federal, state, and local requirements.

(5) The treatment process does not do either of the following:

(A) Result in the release of hazardous waste into the environment as a means of treatment or disposal.

(B) Result in the emission of volatile hazardous waste constituents or toxic air contaminants, unless the emission is in compliance with the rules and regulations of the air pollution control district or air quality management district.

(6) The generator unit complies with any additional requirements set forth in regulations adopted pursuant to this section.

(c) A generator operating pursuant to subdivision (a) shall comply with all of the following requirements:

(1) Except as provided in paragraph (4), the generator shall comply with the standards applicable to generators specified in Chapter 12 (commencing with Section 66262.10) of Division 4.5 of Title 22 of the California Code of Regulations and with the applicable requirements in Sections 66265.12, 66265.14, and 66265.17 of Title 22 of the California Code of Regulations.

(2) The generator shall comply with Section 25202.9 by making an annual waste minimization certification.

(3) The generator shall comply with the environmental assessment procedures required pursuant to subdivisions (a) to (e), inclusive, of Section 25200.14. If that assessment reveals that there is contamination resulting from the release of hazardous waste or constituents from a solid waste management unit or a hazardous waste management unit at the generator's facility, regardless of the time at which the waste was released, the generator

shall take every action necessary to expeditiously remediate that contamination, if the contamination presents a substantial hazard to human health and safety or the environment or if the generator is required to take corrective action by the department. If a facility is remediating the contamination pursuant to, and in compliance with the provisions of, an order issued by a California regional water quality control board or other state or federal environmental enforcement agency, that remediation shall be adequate for the purposes of complying with this section, as the remediation pertains to the jurisdiction of the ordering agency. This paragraph does not limit the authority of the department or a unified program agency pursuant to Section 25187 as may be necessary to protect human health and safety or the environment.

(4) The generator unit shall comply with container and tank standards applicable to non-RCRA wastes, unless otherwise required by federal law, specified in subdivisions (a) and (b) of Section 66264.175 of Title 22 of the California Code of Regulations, as the standards apply to container storage and transfer activities, and to Article 9 (commencing with Section 66265.170) and Article 10 (commencing with Section 66265.190) of Chapter 15 of Division 4.5 of Title 22 of the California Code of Regulations, except for Section 66265.197 of Title 22 of the California Code of Regulations.

(A) Unless otherwise required by federal law, ancillary equipment for a tank or container treating hazardous wastes solely pursuant to this section, is not subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the ancillary equipment's integrity is attested to, pursuant to Section 66265.191 of Title 22 of the California Code of Regulations, every two years from the date that retrofitting requirements would otherwise apply.

(B) (i) The Legislature hereby finds and declares that in the case of underground, gravity-pressured sewer systems, integrity testing is often not feasible.

(ii) The best feasible leak detection measures which are sufficient to ensure that underground gravity-pressured sewer systems, for which it is not feasible to conduct integrity testing, do not leak.

(iii) If it is not feasible for an operator's ancillary equipment, or a portion thereof, to undergo integrity testing, the operator shall not be subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the operator implements the best feasible leak detection measures which are determined to be sufficient by the department in those regulations, and those leak detection measures do not reveal any leaks emanating from the operator's ancillary equipment. Any ancillary equipment found to leak shall be retrofitted by the operator to meet the secondary containment standards of Section 66265.196 of Title 22 of the California Code of Regulations.

(5) The generator shall prepare and maintain a written inspection schedule and a log of inspections conducted.

(6) The generator shall prepare and maintain written operating instructions and a record of the dates, concentrations, amounts, and types of waste treated. Records maintained to comply with the state, federal, or local programs

may be used to satisfy this requirement, to the extent that those documents substantially comply with the requirements of this section. The operating instructions shall include, but not be limited to, directions regarding all of the following:

(A) How to operate the treatment unit and carry out waste treatment.

(B) How to recognize potential and actual process upsets and respond to them.

(C) When to implement the contingency plan.

(D) How to determine if the treatment has been efficacious.

(E) How to address the residuals of waste treatment.

(7) The generator shall maintain adequate records to demonstrate to the department and the unified program agency that the requirements and conditions of this section are met, including compliance with all applicable pretreatment standards and with all applicable industrial waste discharge requirements issued by the agency operating the publicly owned treatment works into which the wastes are discharged. The records shall be maintained onsite for a period of five years.

(8) The generator shall treat only hazardous waste which is generated onsite. For purposes of this chapter, a residual material from the treatment of a hazardous waste generated offsite is not a waste that has been generated onsite.

(9) Except as provided in Section 25404.5, the generator shall submit a fee to the California Department of Tax and Fee Administration in the amount required by Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, unless the generator is subject to a fee under a permit-by-rule. The generator shall submit that fee within 30 days of the date that the fee is assessed by the California Department of Tax and Fee Administration.

(d) Notwithstanding any other law, the following activities are ineligible for conditional authorization:

(1) Treatment in any of the following units:

(A) Landfills.

(B) Surface impoundments.

(C) Injection wells.

(D) Waste piles.

(E) Land treatment units.

(2) Commingling of hazardous waste with any hazardous waste that exceeds the concentration limits or pH limits specified in subdivision (a), or diluting hazardous waste in order to meet the concentration limits or pH limits specified in subdivision (a).

(3) Treatment using a treatment process not specified in subdivision (a).

(4) Pretreatment or posttreatment activities not specified in subdivision (a).

(5) Treatment of any waste which is reactive or extremely hazardous.

(e) (1) Not less than 60 days prior to commencing the first treatment of hazardous waste under this section, the generator shall submit a notification,

in person or by certified mail, with return receipt requested, to the department and to one of the following:

(A) The CUPA, if the generator is under the jurisdiction of a CUPA.

(B) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) Upon demonstration of good cause by the generator, the department may allow a shorter time period, than the 60 days required by paragraph (1), between notification and commencement of hazardous waste treatment pursuant to this section.

(3) Each notification submitted pursuant to this subdivision shall be completed, dated, and signed according to the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements that were in effect on January 1, 1996, and apply to hazardous waste facilities permit applications, shall be on a form prescribed by the department, and shall include, but not be limited to, all of the following information:

(A) The name, identification number, site address, mailing address, and telephone number of the generator to whom the conditional authorization is granted.

(B) A description of the physical characteristics and chemical composition of the hazardous waste to which the conditional authorization applies.

(C) A description of the hazardous waste treatment activity to which the conditional authorization applies, including the basis for determining that a hazardous waste facilities permit is not required under the federal act.

(D) A description of the characteristics and management of any treatment residuals.

(E) Documentation of any convictions, judgments, settlements, or orders resulting from an action by any local, state, or federal environmental or public health enforcement agency concerning the operation of the facility within the last three years, as the documents would be available under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) or the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of the Civil Code). For purposes of this paragraph, a notice of violation for any local, state, or federal agency does not constitute an order and a generator is not required to report the notice unless the violation is not corrected and the notice becomes a final order.

(f) Any generator operating pursuant to a grant of conditional authorization shall comply with all regulations adopted by the department relating to generators of hazardous waste.

(g) (1) Upon terminating operation of any treatment process or unit conditionally authorized pursuant to this section, the generator conducting treatment pursuant to this section shall remove or decontaminate all waste residues, containment system components, soils, and structures or equipment

contaminated with hazardous waste from the unit. The removal of the unit from service shall be conducted in a manner that does both of the following:

(A) Minimizes the need for further maintenance.

(B) Eliminates the escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or waste decomposition products to the environment after the treatment process is no longer in operation.

(2) Any generator conducting treatment pursuant to this section who permanently ceases operation of a treatment process or unit that is conditionally authorized pursuant to this section shall, upon completion of all activities required under this subdivision, provide written notification, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(A) The CUPA, if the generator is under the jurisdiction of a CUPA.

(B) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(h) In adopting regulations pursuant to this section, the department may impose any further restrictions or limitations consistent with the conditionally authorized status conferred by this section which are necessary to protect human health and safety and the environment.

(i) The department may revoke any conditional authorization granted pursuant to this section. The department shall base a revocation on any one of the causes set forth in subdivision (a) of Section 66270.43 of Title 22 of the California Code of Regulations or in Section 25186, or upon a finding that operation of the facility in question will endanger human health and safety, domestic livestock, wildlife, or the environment. The department shall conduct the revocation of a conditional authorization granted pursuant to this section in accordance with Chapter 21 (commencing with Section 66271.1) of Division 4.5 of Title 22 of the California Code of Regulations and as specified in Section 25186.7.

(j) A generator who would otherwise be subject to this section may contract with the operator of a transportable treatment unit who is operating pursuant to a permit-by-rule, a standardized permit, or a full state hazardous waste facilities permit to treat the generator's waste. If treatment of the generator's waste takes place under such a contract, the generator is not otherwise subject to the requirements of this section, but shall comply with all other requirements of this chapter that apply to generators. The operator of the transportable treatment unit that performs onsite treatment pursuant to this subdivision shall comply with all requirements applicable to transportable treatment units operating pursuant to a permit-by-rule, as set forth in the regulations adopted by the department.

(k) (1) Within 30 days of any change in operation which necessitates modifying any of the information submitted in the notification required pursuant to subdivision (e), a generator shall submit an amended notification,

in person or by certified mail, with return receipt requested, to the department and to one of the following:

(A) The CUPA, if the generator is under the jurisdiction of a CUPA.

(B) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) Each amended notification shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to hazardous waste facilities permit applications.

(*l*) A person who has submitted a notification to the department pursuant to subdivision (e) shall be deemed to be operating pursuant to this section, and, except as provided in Section 25404.5, shall be subject to the fee set forth in subdivision (a) of Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, until that person submits a certification that the generator has ceased all treatment activities of hazardous waste streams authorized pursuant to this section in accordance with the requirements of subdivision (g). The certification required by this subdivision shall be submitted, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(1) The CUPA, if the generator is under the jurisdiction of a CUPA.

(2) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(m) The development and publication of the notification form specified in subdivision (e) is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall hold at least one public workshop concerning the development of the notification form.

SEC. 42. Section 25200.25 is added to the Health and Safety Code, to read:

25200.25. (a) If a final hazardous waste facilities permit decision has not been issued by the department by the applicable hazardous waste facilities permit decision deadline pursuant to Section 25200 or 25201.6, the department shall issue a report, which shall be released to the public, that includes the reasons why the final hazardous waste facilities permit decision was not made on time. The department's report shall specifically address all of the following:

(1) The current status of work completed by the department on the hazardous waste facilities permit application.

(2) The actions and information needed by the department to make the final hazardous waste facilities permit decision, and the department's

proposed schedule for issuing the final hazardous waste facilities permit decision.

(3) Information supporting any determination by the department that the hazardous waste facility's failure to provide complete or timely information caused or contributed to the department's failure to issue the final hazardous waste facilities permit decision within the applicable hazardous waste facilities permit decision deadline.

(b) The department shall prepare the report required by subdivision (a) no later than 60 days after the applicable hazardous waste facilities permit decision deadline has expired. The department shall provide a copy of the report to the hazardous waste facility that is the subject of the report required pursuant to subdivision (a).

(c) This section applies to a permit for an operating hazardous waste facility and does not apply to a permit for a hazardous waste facility undergoing closure or to a closure or postclosure permit.

SEC. 43. Section 25200.27 is added to the Health and Safety Code, to read:

25200.27. (a) After the issuance of a report required pursuant to subdivision (a) of Section 25200.25, the department shall do all of the following:

(1) Request that the board schedule a hearing for the department to present the report.

(2) Present to the board a proposed schedule for issuing the final hazardous waste facilities permit decision.

(3) Provide an opportunity for the hazardous waste facility to submit a written brief to the board in response to the department's report.

(b) The board shall accept or modify the hazardous waste facilities permit decision schedule proposed by the department in the report required pursuant to subdivision (a) of Section 25200.25.

SEC. 44. Section 25201.4.1 of the Health and Safety Code is amended to read:

25201.4.1. (a) Except as provided in subdivision (c), any person subject to the notification requirements of Sections 25110.10, 25123.3, 25144.6, 25200.3, 25201.5, or 25201.14 shall only be required to submit the required notification to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(b) Any person required to submit a notice pursuant to subdivision (a) is also required to submit the required notice to the department until (1) regulations promulgated by the Secretary for Environmental Protection establishing a unified program information collection and reporting system and standards are effective, (2) the regulations require a statewide database system that will enable the department and the public to obtain the required information from all CUPAs or the authorized officers or agencies, and (3) the statewide database system is in place and fully operational.

(c) A person conducting an activity that is not included within the scope of the hazardous waste element of the unified program, as specified in paragraph (1) of subdivision (c) of Section 25404, is required to submit a notice pursuant to Sections 25110.10, 25123.3, 25144.6, 25200.3, 25201.5, or 25201.14, but shall comply with any regulations that the department may adopt specifying notification requirements for those activities.

(d) Notwithstanding subdivision (*l*) of Section 25200.3, any person who has submitted a notification to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404, pursuant to subdivision (a) of this section and subdivision (e) of Section 25200.3, shall be deemed to be operating pursuant to Section 25200.3, and, except as provided in Section 25404.5, shall be subject to the fee set forth in subdivision (b) of Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, until the person submits a certification pursuant to subdivision (*l*) of Section 25200.3.

(e) Notwithstanding subdivision (j) of Section 25201.5, any person who has submitted a notification to the CUPA, or, in those jurisdictions where there is no CUPA, to the officer or agency authorized pursuant to subdivision (f) of Section 25404.3 to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404, pursuant to subdivision (a) of this section and paragraph (7) of subdivision (d) of Section 25201.5, shall be deemed to be operating pursuant to Section 25201.5, and, except as provided in Section 25404.5, shall be subject to the fee set forth in subdivision (c) of Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, until the person submits a certification pursuant to subdivision (j) of Section 25201.5.

SEC. 45. Section 25201.5 of the Health and Safety Code is amended to read:

25201.5. (a) Notwithstanding any other law, a hazardous waste facilities permit is not required for a generator who treats hazardous waste of a total weight of not more than 500 pounds, or a total volume of not more than 55 gallons, in any calendar month, if both of the following conditions are met:

(1) The hazardous waste is not an extremely hazardous waste and is listed in Section 67450.11 of Title 22 of the California Code of Regulations, as in effect on January 1, 1992, as eligible for treatment pursuant to the regulations adopted by the department for operation under a permit-by-rule and the treatment technology used is approved for that waste stream in Section 67450.11 of Title 22 of the California Code of Regulations for treatment under a permit-by-rule.

(2) The generator is not otherwise required to obtain a hazardous waste facilities permit or other grant of authorization for any other hazardous waste management activity at the facility.

(b) Notwithstanding any other law, treatment in the following units is ineligible for exemption pursuant to subdivision (a) or (c):

(1) Landfills.

(2) Surface impoundments.
(3) Injection wells.
(4) Waste piles.
(5) Land treatment units.
(6) Thermal destruction units.

(c) Notwithstanding any other law, a hazardous waste facilities permit or other grant of authorization is not required to conduct the following treatment activities, if the generator treats the following hazardous waste streams using the treatment technology required by this subdivision:

(1) The generator mixes or cures resins mixed in accordance with the manufacturer's instructions, including the mixing or curing of multicomponent and preimpregnated resins in accordance with the manufacturer's instructions.

(2) The generator treats a container of 110 gallons or less capacity, which is not constructed of wood, paper, cardboard, fabric, or any other similar absorptive material, for purposes of emptying the container as specified by Section 66261.7 of Title 22 of the California Code of Regulations, as revised July 1, 1990, or treats the inner liners removed from empty containers that once held hazardous waste or hazardous material. The generator shall treat the container or inner liner by using the following technologies, if the treated containers and rinseate are managed in compliance with the applicable requirements of this chapter:

(A) The generator rinses the container or inner liner with a suitable liquid capable of dissolving or removing the hazardous constituents that the container held.

(B) The generator uses physical processes, such as crushing, shredding, grinding, or puncturing, that change only the physical properties of the container or inner liner, if the container or inner liner is first rinsed as provided in subparagraph (A) and the rinseate is removed from the container or inner liner.

(3) The generator conducts drying by pressing or by passive or heat-aided evaporation to remove water from wastes classified as special wastes by the department pursuant to Section 66261.124 of Title 22 of the California Code of Regulations.

(4) The generator conducts magnetic separation or screening to remove components from wastes classified as special wastes by the department pursuant to Section 66261.124 of Title 22 of the California Code of Regulations.

(5) The generator neutralizes acidic or alkaline wastes that are hazardous solely due to corrosivity or toxicity resulting from the presence of acidic or alkaline material from food or food byproducts, and alkaline or acidic waste, other than wastes containing nitric acid, at SIC Code Major Group 20, food and kindred product facilities, as defined in subdivision (p) of Section 25501, if both of the following conditions are met:

(A) The neutralization process does not result in the emission of volatile hazardous waste constituents or toxic air contaminants.

(B) The neutralization process is required in order to meet discharge or other regulatory requirements.

(6) Except as provided for specific waste streams in Section 25200.3, the generator conducts the separation by gravity of the following, if the activity is conducted in impervious tanks or containers constructed of noncorrosive materials, the activity does not involve the addition of heat or other form of treatment, or the addition of chemicals other than flocculants and demulsifiers, and the activity is managed in compliance with applicable requirements of federal, state, or local agency or treatment works:

(A) The settling of solids from waste where the resulting aqueous stream is not hazardous.

(B) The separation of oil/water mixtures and separation sludges, if the average oil recovered per month is less than 25 barrels.

(7) The generator is a laboratory that is certified by the State Water Resources Control Board or operated by an educational institution, and treats wastewater generated onsite solely as a result of analytical testing, or is a laboratory that treats less than one gallon of hazardous waste, which is generated onsite, in any single batch, subject to the following:

(A) The wastewater treated is hazardous solely due to corrosivity or toxicity that results only from the acidic or alkaline material, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, or is excluded from the definition of hazardous waste by subparagraph (E) of paragraph (2) of subsection (a) of Section 66261.3 of Title 22 of the California Code of Regulations, or both.

(B) The treatment meets all of the following requirements, in addition to all other requirements of this section:

(i) The treatment complies with all applicable pretreatment requirements.

(ii) Neutralization occurs in elementary neutralization units, as defined in Section 66260.10 of Title 22 of the California Code of Regulations; wastes to be neutralized do not contain any more than 10 percent acid or base concentration by weight, or any other concentration limit that may be imposed by the department; and vessels and piping for neutralization are constructed of materials that are compatible with the range of temperatures and pH levels, and subject to appropriate pH temperature controls.

(iii) Treatment does not result in the emission of volatile hazardous waste constituents or toxic air contaminants.

(8) The hazardous waste treatment is carried out in a quality control or quality assurance laboratory at a facility that is not an offsite hazardous waste facility and the treatment activity otherwise meets the requirements of paragraph (1) of subdivision (a).

(9) Any waste stream technology combination certified by the department, pursuant to Section 25200.1.5, as suitable for authorization pursuant to this section, that operates pursuant to the conditions imposed on that certification.

(10) The generator uses any technology that is certified by the department, pursuant to Section 25200.1.5, as effective for the treatment of formaldehyde or glutaraldehyde solutions used in health care facilities that are operated pursuant to the conditions imposed on the certification and that makes the

operation appropriate to this tier. The technology may be certified using a pilot certification process until the department adopts regulations pursuant to Section 25200.1.5. This paragraph shall be operative only until April 11, 1996.

(d) A generator conducting treatment pursuant to subdivision (a) or (c) shall meet all of the following conditions:

(1) The waste being treated is generated onsite, and a residual material from the treatment of a hazardous waste generated offsite is not a waste that has been generated onsite.

(2) The treatment does not require a hazardous waste facilities permit pursuant to the federal act.

(3) The generator prepares and maintains written operating instructions and a record of the dates, amounts, and types of waste treated.

(4) The generator prepares and maintains a written inspection schedule and log of inspections conducted.

(5) The records specified in paragraphs (3) and (4) are maintained onsite for a period of three years.

(6) The generator maintains adequate records to demonstrate that it is in compliance with all applicable pretreatment standards and with all applicable industrial waste discharge requirements issued by the agency operating the publicly owned treatment works into which the wastes are discharged.

(7) (A) Not less than 60 days before commencing treatment of hazardous waste pursuant to this section, the generator shall submit a notification, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(i) The CUPA, if the generator is under the jurisdiction of a CUPA.

(ii) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(B) Upon demonstration of good cause by the generator, the department may allow a shorter time period than the 60 days required by subparagraph (A) between notification and commencement of hazardous waste treatment pursuant to this section.

(C) The notification submitted pursuant to this paragraph shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to permit applications, shall be on a form prescribed by the department, and shall include, but not be limited to, all of the following information:

(i) The name, identification number, site address, mailing address, and telephone number of the generator to whom the conditional exemption applies.

(ii) A description of the physical characteristics and chemical composition of the hazardous waste to which the conditional exemption applies.

(iii) A description of the hazardous waste treatment activity to which the conditional exemption applies, including, but not limited to, the basis for determining that a hazardous waste facilities permit is not required under the federal act.

(iv) A description of the characteristics and management of any treatment residuals.

(D) The development and publication of the notification form required under this paragraph is not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The department shall hold at least one public workshop concerning the development of the notification form.

(E) Any notification submitted pursuant to this paragraph shall supersede any prior notice of intent submitted by the same generator in order to obtain a permit-by-rule under the regulations adopted by the department. This subparagraph does not require the department to refund any fees paid for any application in conjunction with the submission of a notice of intent for a permit-by-rule.

(8) (A) Upon terminating operation of any treatment process or unit exempted pursuant to this section, the generator who conducted the treatment shall remove or decontaminate all waste residues, containment system components, soils, and other structures or equipment contaminated with hazardous waste from the unit. The removal of the unit from service shall be conducted in a manner that does both of the following:

(i) Minimizes the need for further maintenance.

(ii) Eliminates the escape of hazardous waste, hazardous constituents, leachate, contaminated runoff, or waste decomposition products to the environment after treatment process is no longer in operation.

(B) Any owner or operator who permanently ceases operation of a treatment process or unit that is conditionally exempted pursuant to this section shall, upon completion of all activities required under this subdivision, provide written notification in person or by certified mail, with return receipt requested, to the department and to one of the following:

(i) The CUPA, if the generator is under the jurisdiction of a CUPA.

(ii) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(9) The waste is managed in accordance with all applicable requirements for generators of hazardous waste under this chapter and the regulations adopted by the department pursuant to this chapter.

(10) Except as provided in Section 25404.5, the generator submits a fee in the amount required by Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, unless the generator is subject to a fee under a permit-by-rule or a grant of conditional authorization pursuant to Section 25200.3. The generator shall submit that fee within 30 days of the date that the fee is assessed by the California Department of Tax and Fee

Administration, in the manner specified by Section 43152.10 of the Revenue and Taxation Code.

(e) (1) Unless otherwise required by federal law, ancillary equipment for a tank or container treating hazardous wastes solely pursuant to this section is not subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the ancillary equipment's integrity is attested to pursuant to Section 66265.191 of Title 22 of the California Code of Regulations every two years from the date that retrofitting requirements would otherwise apply.

(2) (A) The Legislature hereby finds and declares that, in the case of underground, gravity-pressured sewer systems, integrity testing is often not feasible.

(B) The department shall, by regulation, determine the best feasible leak detection measures that are sufficient to ensure that underground gravity-pressured sewer systems, for which it is not feasible to conduct integrity testing, do not leak.

(C) If it is not feasible for an operator's ancillary equipment, or a portion of that equipment, to undergo integrity testing, the operator shall not be subject to Section 66265.193 of Title 22 of the California Code of Regulations, if the operator implements the best feasible leak detection measures that are determined to be sufficient by the department in those regulations, and those leak detection measures do not reveal any leaks emanating from the operator's ancillary equipment. Any ancillary equipment found to leak shall be retrofitted by the operator to meet the full secondary containment standards of Section 66265.196 of Title 22 of the California Code of Regulations.

(f) This section shall not abridge any authority granted to the department, a unified program agency, or local health officer or local public officer designated pursuant to Section 25180, by any other law to impose any further restrictions or limitations upon facilities subject to this section, that the department, a unified program agency, or local health officer or local public officer designated pursuant to Section 25180, determines to be necessary to protect human health or the environment.

(g) A generator that would otherwise be subject to this section may contract with the operator of a transportable treatment unit who is operating pursuant to this section to treat the generator's waste. If treatment of the generator's waste takes place under such a contract, the generator is not otherwise subject to the requirements of this section, but shall comply with all other requirements of this chapter that apply to generators. The operator of the transportable treatment unit shall comply with all of the applicable requirements of this section and, for purposes of this section, the operator of the transportable treatment unit shall be deemed to be the generator.

(h) A generator conducting activities that are exempt from this chapter pursuant to Section 66261.7 of Title 22 of the California Code of Regulations, as that section read on January 1, 1993, is not required to comply with this section.

(i) (1) Within 30 days of any change in operation that necessitates modifying any of the information submitted in the notification required pursuant to paragraph (7) of subdivision (d), a generator shall submit an amended notification, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(A) The CUPA, if the generator is under the jurisdiction of a CUPA.

(B) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

(2) Each amended notification made pursuant to this subdivision shall be completed, dated, and signed in accordance with the requirements of Section 66270.11 of Title 22 of the California Code of Regulations, as those requirements apply to hazardous waste facilities permit applications.

(j) A person who submitted a notification to the department pursuant to paragraph (7) of subdivision (d) shall be deemed to be operating pursuant to this section, and, except as provided in Section 25404.5, shall be subject to the fee set forth in subdivision (c) of Section 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022, until that person submits a certification that the generator has ceased all treatment activities of hazardous waste streams authorized pursuant to this section in accordance with the requirements of paragraph (8) of subdivision (d). The certification required by this subdivision shall be submitted, in person or by certified mail, with return receipt requested, to the department and to one of the following:

(1) The CUPA, if the generator is under the jurisdiction of a CUPA.

(2) If the generator is not under the jurisdiction of a CUPA, the notification shall be submitted to the officer or agency authorized, pursuant to subdivision (f) of Section 25404.3, to implement and enforce the requirements of this chapter listed in paragraph (1) of subdivision (c) of Section 25404.

SEC. 46. Section 25201.6 of the Health and Safety Code is amended to read:

25201.6. (a) For purposes of this section and Section 25205.2, the following terms have the following meaning:

(1) “Series A standardized permit” means a permit issued to a hazardous waste facility that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 50,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 100,000 pounds per calendar month.

(C) The total storage design capacity is greater than 500,000 gallons for liquid hazardous waste.

(D) The total storage design capacity is greater than 500 tons for solid hazardous waste.

(E) A volume of liquid or solid hazardous waste is stored at the hazardous waste facility for more than one calendar year.

(2) "Series B standardized permit" means a permit issued to a hazardous waste facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not exceed any of the upper volume limits specified in subparagraphs (A) to (D), inclusive, and that meets one or more of the following conditions:

(A) The total influent volume of liquid hazardous waste treated is greater than 5,000 gallons, but does not exceed 50,000 gallons, per calendar month.

(B) The total volume of solid hazardous waste treated is greater than 10,000 pounds, but does not exceed 100,000 pounds, per calendar month.

(C) The total storage design capacity is greater than 50,000 gallons, but does not exceed 500,000 gallons, for liquid hazardous waste.

(D) The total storage design capacity is greater than 100,000 pounds, but does not exceed 500 tons, for solid hazardous waste.

(3) "Series C standardized permit" means a permit issued to a hazardous waste facility that does not store liquid or solid hazardous waste for a period of more than one calendar year, that does not conduct thermal treatment of hazardous waste, with the exception of evaporation, and that either meets the requirements of paragraph (3) of subdivision (g) or meets all of the following conditions:

(A) The total influent volume of liquid hazardous waste treated does not exceed 5,000 gallons per calendar month.

(B) The total volume of solid hazardous waste treated does not exceed 10,000 pounds per calendar month.

(C) The total storage design capacity does not exceed 50,000 gallons for liquid hazardous waste.

(D) The total storage design capacity does not exceed 100,000 pounds for solid hazardous waste.

(4) "Standardized permit" means a Series A, B, or C standardized permit issued to a hazardous waste facility pursuant to this section.

(b) The department shall adopt regulations specifying standardized permit application forms that may be completed by a non-RCRA Series A, B, or C treatment, storage, or treatment and storage facility, in lieu of other hazardous waste facilities permit application procedures set forth in regulations. The department shall not issue standardized permits under this section to specific classes of facilities unless the department finds that doing so will not create a competitive disadvantage to a member or members of that class that were in compliance with permitting requirements that were in effect on September 1, 1992.

(c) The regulations adopted pursuant to subdivision (b) shall include all of the following:

(1) Require that the standardized permit notification be submitted to the department on or before October 1, 1993, for hazardous waste facilities existing on or before September 1, 1992, except for hazardous waste facilities specified in paragraphs (2) and (3) of subdivision (g). The standardized permit notification shall include, at a minimum, the information required for a Part A application as described in the regulations adopted by the department.

(2) Require that the standardized permit application be submitted to the department within six months of the submittal of the standardized permit notification. The standardized permit application shall require, at a minimum, that all of the following information be submitted to the department for review before the final standardized permit determination:

(A) A description of the treatment and storage activities to be covered by the standardized permit, including the type and volumes of waste, the treatment process, equipment description, and design capacity.

(B) A copy of the closure plan, as required by paragraph (13) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(C) A description of the corrective action program, as required by Section 25200.10.

(D) Financial responsibility documents specified in paragraph (17) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(E) A copy of the topographic map, as specified in paragraph (18) of subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations.

(F) A description of the individual container, and tank and containment system, and of the engineer's certification, as specified in Sections 66270.15 and 66270.16 of Title 22 of the California Code of Regulations.

(G) Documentation of compliance, if applicable, with the requirements of Article 8.7 (commencing with Section 25199).

(3) Require that a hazardous waste facility operating pursuant to a standardized permit comply with the liability assurance requirements in Section 25200.1.

(4) Specify which of the remaining elements of the standardized permit application, as described in subdivision (b) of Section 66270.14 of Title 22 of the California Code of Regulations, shall be the subject of a certification of compliance by the applicant.

(5) Establish a procedure for imposing an administrative penalty pursuant to Section 25187, in addition to any other penalties provided by this chapter, upon an owner or operator of a treatment or storage facility that is required to obtain a standardized permit and that meets the criteria for a Series A, B, or C standardized permit listed in subdivision (a), who does not submit a standardized permit notification to the department on or before the submittal deadline specified in paragraph (1) or the submittal deadline specified in paragraph (2) or (3) of subdivision (g), whichever date is applicable, and who continues to operate the hazardous waste facility without obtaining a standardized permit or other grant of authorization from the department after the applicable deadline for submitting the standardized permit notification to the department. In determining the amount of the administrative penalty to be assessed, the regulations shall require the amount to be based upon the economic benefit gained by that owner or operator as a result of failing to comply with this section.

(6) Require that a hazardous waste facility operating pursuant to a standardized permit comply, at a minimum, with the interim status facility operating requirements specified in the regulations adopted by the department, except that the regulations adopted pursuant to this section may specify financial assurance amounts necessary to adequately respond to damage claims at levels that are less than those required for interim status facilities if the department determines that lower financial assurance levels are appropriate.

(d) (1) Any regulations adopted pursuant to this section may be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) On and before January 1, 1995, the adoption of the regulations pursuant to paragraph (1) is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare.

(e) The department shall not grant a standardized permit under this section unless the department has determined the adequacy of the material submitted with the application and has conducted an inspection of the hazardous waste facility and determined all of the following:

(1) The treatment process is an effective method of treating the hazardous waste, as described in the permit application.

(2) The corrective action plan is appropriate for the hazardous waste facility.

(3) The financial assurances are sufficient for the hazardous waste facility.

(f) (1) Interim status shall not be granted to a hazardous waste facility that does not submit a standardized permit notification on or before October 1, 1993, unless the hazardous waste facility is subject to paragraph (2) or (3) of subdivision (g).

(2) Interim status shall be revoked if the standardized permit application is not submitted within six months of the standardized permit notification.

(3) Interim status granted to any hazardous waste facility pursuant to this section and Sections 25200.5 and 25200.9 shall terminate upon a final permit determination or January 1, 1998, whichever date is earlier. This paragraph shall apply retroactively to hazardous waste facilities for which a final permit determination is made on or after September 30, 1995.

(4) A treatment, storage, or treatment and storage facility operating pursuant to interim status that applies for a standardized permit pursuant to this section shall pay fees to the department in an amount equal to the fees established by subdivision (e) of Section 25205.4 until July 1, 2022, and subdivision (f) of Section 25205.2 on and after July 1, 2022, for the same size and type of facility.

(g) (1) Except as provided in paragraphs (2), (3), and (4), a facility treating used oil or solvents, or that engages in incineration, thermal destruction, or any land disposal activity, is not eligible for a standardized permit pursuant to this section.

(2) (A) Notwithstanding paragraph (1), an offsite facility treating solvents is eligible for a standardized permit pursuant to this section if all of the following conditions are met:

(i) The facility exclusively treats solvent wastes, and is not required to obtain a permit pursuant to the federal act.

(ii) The solvent wastes that the facility treats are only the types of solvents generated from dry cleaning operations.

(iii) Ninety percent or more of the solvents that the facility receives are from dry cleaning operations.

(iv) Ninety percent or more of the solvents that the facility receives are recycled and sold by the facility, excluding recycling for energy recovery, if the facility does not produce more than 15,000 gallons per month of recycled solvents.

(B) A facility treating solvents pursuant to this paragraph shall clearly label all recycled solvents as recycled prior to subsequent sale or distribution.

(C) Notwithstanding that a facility eligible for a standardized permit pursuant to this paragraph meets the eligibility requirements for a Series C standardized permit specified in paragraph (3) of subdivision (a), the facility shall obtain and meet the requirements for a Series B standardized permit specified in paragraph (2) of subdivision (a).

(D) Notwithstanding any other provision of this chapter, for purposes of this paragraph, if the recycled material is to be used for dry cleaning, "recycled" means the removal of water and inhibitors from waste solvent and the production of dry cleaning solvent with an appropriate inhibitor for dry cleaning use. The removal of inhibitors is not required if all of the solvents received by the facility that are recycled for dry cleaning use are from dry cleaners.

(3) Notwithstanding paragraph (1), an owner or operator with a surface impoundment used only to contain non-RCRA wastes generated onsite, that holds those wastes for not more than one 30-day period in any calendar year, and that meets the criteria specified in subparagraphs (A) to (C), inclusive, may submit a Series C standardized permit application to the department. A surface impoundment is eligible for operation under the Series C standardized permit tier if all of the following requirements are met:

(A) The waste and any residual materials are removed from the surface impoundment within 30 days of the date the waste was first placed into the surface impoundment.

(B) The owner or operator has, and is in compliance with, current waste discharge requirements issued by the appropriate regional water quality control board for the surface impoundment.

(C) The owner or operator complies with all applicable groundwater monitoring requirements of the regulations adopted by the department pursuant to this chapter.

(4) For purposes of this subdivision, treating solvents and thermal destruction do not include the destruction of nonmetal constituents in a thermal treatment unit that is operated solely to recover precious metals, if

that unit is operating pursuant to a standardized permit issued by the department and the unit is in compliance with the applicable requirements of Division 26 (commencing with Section 39000). This paragraph does not prohibit the department from specifying, in the standardized permit for such a unit, a maximum concentration of nonmetal constituents, if the department determines that this requirement is necessary for protection of human health or safety or the environment.

(h) Facilities operating pursuant to this section shall comply with Article 4 (commencing with Section 66270.40) of Chapter 20 of Division 4.5 of Title 22 of the California Code of Regulations.

(i) (1) If before the end of a standardized permit's fixed term, a Part A and Part B application for the renewal of an existing standardized permit has been deemed complete, as specified in paragraph (4), a signed written cost reimbursement agreement and the 25-percent advance payment required pursuant to Section 25205.7, if applicable, have been submitted to and received by the department, and any other information requested by the department has been submitted to and received by the department, the standardized permit shall be deemed extended until either of the following:

(A) The department approves the standardized permit renewal application and the new standardized permit is effective.

(B) The department denies the standardized permit renewal application and all parties have exhausted all applicable rights of appeal.

(2) (A) An owner or operator of a hazardous waste facility with a standardized permit that expires before January 1, 2025, seeking to renew the standardized permit shall submit a Part A and Part B application to the department at least 180 days before the end of the standardized permit's fixed term.

(B) The department shall post on its internet website, and update on at least a monthly basis, the estimated date for a permit decision for all standardized permits subject to this paragraph.

(C) The department shall issue a decision on a standardized permit renewal application for a hazardous waste facility subject to this paragraph within three years of the effective date of this section or within three years after the standardized permit's fixed term, whichever is later.

(3) (A) An owner or operator of a hazardous waste facility with a standardized permit that expires on or after January 1, 2025, seeking to renew the standardized permit shall submit a Part A and Part B application at least two years before the end of the standardized permit's fixed term.

(B) The department shall post on its internet website, and update on at least a monthly basis, the estimated date for a permit decision for all standardized permits subject to this paragraph.

(C) The department shall issue a decision on a standardized permit subject to this paragraph no later than one year after the end of the standardized permit's fixed term.

(4) For purposes of this subdivision, an application for the renewal of an existing standardized permit shall be deemed complete when the department has notified the applicant in writing that the application is complete in

accordance with subdivision (c) of Section 66271.2 of Title 22 of the California Code of Regulations.

(j) (1) The department shall require an owner or operator of a hazardous waste facility applying for a standardized permit to complete and file a phase I environmental assessment with the standardized permit application. However, if a RCRA facility assessment has been performed by the department, the assessment shall be deemed to satisfy the requirement of this subdivision to complete and file a phase I environmental assessment, and the hazardous waste facility shall not be required to submit a phase I environmental assessment with its standardized permit application.

(2) (A) For purposes of this subdivision, the phase I environmental assessment shall include a preliminary site assessment, as described in subdivision (a) of Section 25200.14, except that the phase I environmental assessment shall also include a certification, signed, except as provided in subparagraph (B), by the owner, and also by the operator if the operator is not the owner, of the hazardous waste facility and an independent professional engineer or geologist registered in the state, or an environmental assessor.

(B) Notwithstanding subparagraph (A), the certification for a permanent household waste collection facility may be signed by any professional engineer or geologist registered in the state, or environmental assessor, including, but not limited to, one employed by a governmental entity, but if the household waste collection facility owner is not a governmental entity, the professional engineer, geologist, or environmental assessor signing the certification shall not be employed by, or be an agent of, the household waste collection facility owner.

(3) The certification specified in paragraph (2) shall state whether evidence of a release of hazardous waste or hazardous constituents has been found.

(4) If evidence of a release has been found, the hazardous waste facility shall complete a detailed site assessment to determine the nature and extent of any contamination resulting from the release and shall submit a corrective action plan to the department, within one year of submittal of the standardized permit application.

(k) The department shall establish an inspection program to identify, inspect, and bring into compliance any treatment, storage, or treatment and storage facility that is eligible for, and is required to obtain, a standardized permit pursuant to this section, and that is operating without a standardized permit or other grant of authorization from the department for that treatment or storage activity.

(*l*) A treatment, storage, or treatment and storage facility authorized to operate pursuant to a hazardous waste facilities permit issued pursuant to Section 25200, that meets the criteria listed in subdivision (a) for a standardized permit, may operate pursuant to a Series A, B, or C standardized permit by completing the appropriate permit modification procedure specified in the regulations for such a modification.

SEC. 47. Section 25204.7 of the Health and Safety Code is amended to read:

25204.7. (a) Notwithstanding any other law, a generator conducting a treatment activity that is eligible for operation under a permit-by-rule pursuant to the department's regulations, a grant of conditional authorization, or a grant of conditional exemption pursuant to this chapter, and who meets the criteria in subdivision (b), is exempt from all of the following requirements:

(1) The requirement for a generator to submit a notification to the department under Sections 25144.6, 25200.3, and 25201.5 and the regulations adopted by the department pertaining to a permit-by-rule.

(2) The requirement to pay a fee pursuant to Section 25201.14 or 25205.14 until July 1, 2022, and Section 25205.2 on and after July 1, 2022.

(b) To be eligible for an exemption pursuant to this section, the generator shall meet all of the following requirements:

(1) The generator is located within the jurisdiction of a certified unified program agency that includes the publicly owned treatment works that regulates the generator's activity or unit that is eligible for operation under a permit-by-rule or a grant of conditional authorization or conditional exemption, and that has implemented a unified program pursuant to Chapter 6.11 (commencing with Section 25404) that includes the following elements:

(A) The pretreatment program of the publicly owned treatment works that regulates the generator.

(B) An inspection program that meets the requirements of Section 25201.4 and that inspects the generator for compliance with the requirements of this section.

(2) The generator meets all other requirements of this chapter and the department's regulations pertaining to permit-by-rule, conditional authorization, or conditional exemption, whichever is applicable.

(3) The generator's activity or unit that is eligible for operation under a permit-by-rule or a grant of conditional authorization or conditional exemption is within the scope of the hazardous waste element of the unified program, as specified in paragraph (1) of subdivision (c) of Section 25404.

SEC. 48. Section 25205 of the Health and Safety Code is amended to read:

25205. (a) Except as provided in Section 25245.4, the department shall not issue or renew a permit to operate a hazardous waste facility pursuant to Section 25200 or 25201.6 unless the owner or operator of the facility establishes and maintains the financial assurances required pursuant to Article 12 (commencing with Section 25245), including, but not limited to, financial assurances for the costs of corrective action, closure, and postclosure.

(b) The grant of interim status of a facility, or any portion of the facility, that is operating under a grant of interim status pursuant to Section 25200.5, based on the facility having been in existence on November 19, 1980, shall terminate on July 1, 1997, unless the department certifies, on or before July 1, 1997, that the facility is in compliance with the financial assurance

requirements of Article 12 (commencing with Section 25245) for a facility in operation since November 19, 1980, for all units, tanks, and equipment for which the facility has authorization to operate pursuant to its grant of interim status.

(c) (1) The department shall review, at least once every five years, the financial assurances required to operate a permitted hazardous waste facility and the cost estimates used to establish the amount of the financial assurances required. The department may, in its discretion, revise the financial assurances and the cost estimates more often.

(2) If, as a result of its review pursuant to paragraph (1), the department finds that the cost estimates forming the basis for the financial assurances for a permitted hazardous waste facility are inadequate for any reason, including, but not limited to, underestimated potential costs, the department shall notify the owner or operator of the permitted hazardous waste facility in writing of that finding.

(3) Within 90 days of the notification by the department pursuant to paragraph (2), the owner or operator of the permitted hazardous waste facility shall provide to the department for review and approval an updated cost estimate for the financial assurances and a request to adjust the financial assurance amount to incorporate the new cost estimate.

(4) Within 60 days of the department's approval of the revised cost estimate submitted pursuant to paragraph (3), the owner or operator of the permitted hazardous waste facility shall establish financial assurance mechanisms for the approved revised cost estimate amounts.

SEC. 49. Section 25205.2 of the Health and Safety Code is amended to read:

25205.2. (a) Except as provided in subdivisions (c) and (h), in addition to the fees specified in Section 25174.1, each operator of a facility shall pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility, as specified in Section 25205.4. On or before January 31 of each calendar year, the department annually shall notify the California Department of Tax and Fee Administration of all known facility operators by facility type and size. The department shall also notify the California Department of Tax and Fee Administration of any operator who is issued a permit or grant of interim status within 30 days from the date that a permit or grant of interim status is issued to the operator. The fee specified in this section does not apply to facilities exempted pursuant to Section 25205.12.

(b) The California Department of Tax and Fee Administration shall deposit all fees collected pursuant to subdivision (a) in the Hazardous Waste Control Account in the General Fund. The fees so deposited may be expended by the department, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25174.

(c) Notwithstanding subdivision (a), a person who is issued a variance by the department from the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not subject to the fee, for any

reporting period following the reporting period in which the variance was granted by the department.

(d) Operators subject to facility fee liability pursuant to this section shall pay the following amounts:

(1) The operator shall pay the applicable facility fee for each reporting period in which the facility actually engaged in the treatment, storage, or disposal of hazardous waste.

(2) The operator shall pay the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in that treatment or storage. For the 1994 reporting period and thereafter, the facility's size for that additional reporting period shall be deemed to be the largest size at which the facility has ever been subject to the fee. If the department previously approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed to be its largest size since the department granted the approval.

(3) The operator of a disposal facility shall pay twice the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in disposal of hazardous waste.

(4) For the 1994 reporting period and thereafter, a facility shall not be deemed to have stopped treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has notified the department of its intent to close.

(5) If the reporting period that immediately followed the final reporting period in which a facility actually engaged in the treatment, storage, or disposal of the hazardous waste was the six-month period from July 1, 1991, through December 31, 1991, the operator shall be subject to twice the fee otherwise applicable to that operator for that reporting period under paragraphs (2) and (3).

(e) A facility shall not be subject to a facility fee for treatment, storage, or disposal, if that activity ceased before July 1, 1986, and if the fee for the activity was not paid before January 1, 1994.

(f) Notwithstanding any other provision of this section, a person who ceased actual treatment, storage, or disposal of hazardous waste, whether generated onsite or received from offsite, before July 1, 1986, and who paid facility fees for any reporting period after that date pursuant to a decision of the California Department of Tax and Fee Administration, and who filed a claim for refund of those fees on or before January 1, 1994, shall be entitled to a refund of those amounts.

(g) Facility operators who treated, stored, or disposed of hazardous waste on or after July 1, 1986, shall be subject to the provisions of this section that were in effect before January 1, 1994, as to payments that their operators made before January 1, 1994. The operators shall be subject to subdivision (d) as to any other liability for the facility fee.

(h) A treatment facility is not subject to the facility fee established pursuant to this section, if the facility engages in treatment exclusively to

accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency pursuant to the federal act or in accordance with an order issued by the department pursuant to Section 25187, if the facility was put in operation solely for purposes of complying with that order. The department shall instead assess a fee for that facility for the actual time spent by the department for the inspection and oversight of that facility. The department shall base the fee on the department's work standards and shall assess the fee on an hourly basis.

(i) Notwithstanding subdivision (a), a facility operating pursuant to a standardized permit or grant of interim status, as specified in Section 25201.6, shall receive a credit for the annual facility fee imposed by this section for a period of time equal to the number of years that the facility lawfully operated before September 21, 1993, pursuant to a hazardous waste facilities permit or other grant of authorization and paid facility fees for the operation of the facility pursuant to this section.

(j) This section applies only to fees due through the first prepayment of the 2022 reporting period and earlier reporting periods.

(k) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 50. Section 25205.2 is added to the Health and Safety Code, to read:

25205.2. (a) (1) Except as provided in subdivisions (h) and (k), and in accordance with Section 43152.6 of the Revenue and Taxation Code, the operator of a facility shall pay a facility fee for each reporting period, or any portion of a reporting period, to the California Department of Tax and Fee Administration based on the size and type of the facility, as specified in this section. The fee rate shall be the rate established for the fiscal year in which the payment is due. On or before October 1 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known facility operators by facility type and size. The department shall also notify the California Department of Tax and Fee Administration of any operator who is issued a permit or grant of interim status within 30 days from the date that a permit or grant of interim status is issued to the operator.

(2) For the 2022–23 fiscal year, the fee rates established in this section shall apply. Commencing July 1, 2023, the fee rates established pursuant to Section 25205.2.1 shall apply.

(b) (1) The base rate for the fee imposed by this section is ninety-four thousand nine hundred ten dollars ($94,910).

(2) Except as provided in subdivision (c), in computing the facility fees, all of the following shall apply:

(A) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

(B) The fee to be paid by a small storage facility shall equal the base facility rate.

(C) The fee to be paid by a large storage facility shall equal twice the base facility rate.

(D) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility rate.

(E) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

(F) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.

(G) The fee to be paid by a large offsite treatment facility shall be three times the base facility rate.

(H) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

(c) The fee to be paid by a facility with a postclosure permit during the first five years of the postclosure period shall be:

(1) Twenty-six thousand nine hundred eighty dollars ($26,980) annually for a small facility.

(2) Fifty-three thousand nine hundred sixty dollars ($53,960) annually for a medium facility.

(3) Eighty thousand nine hundred forty dollars ($80,940) annually for a large facility.

(d) The fee to be paid by a facility with a postclosure permit after the first five years of the postclosure care period shall be:

(1) Fourteen thousand three hundred seventy-five dollars ($14,375) annually for a small facility.

(2) Twenty-eight thousand seven hundred fifty dollars ($28,750) annually for a medium facility.

(3) Forty-eight thousand five hundred fifty dollars ($48,550) annually for a large facility.

(e) If a facility falls into more than one category listed in either subdivision (b) or (d), or any combination of categories, or if multiple operations under a single hazardous waste facilities permit or grant of interim status fall into more than one category listed in subdivision (b) or (d), or any combination of categories, the facility operator shall pay only the rate for the facility category that is the highest rate.

(f) Notwithstanding subdivision (b), the fee for a facility that has been issued a standardized permit shall be as follows:

(1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be fifty-five thousand two hundred eighty dollars ($55,280).

(2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be twenty-five thousand nine hundred ten dollars ($25,910).

(3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be twenty-one thousand seven hundred sixty dollars ($21,760).

(4) The fee for a facility that has been issued a Series C standardized permit is ten thousand eight hundred eighty dollars ($10,880) if the facility meets all of the following conditions:

(A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.

(B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.

(C) If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(g) The California Department of Tax and Fee Administration shall deposit all fees collected pursuant to this section into the Hazardous Waste Facilities Account in the Hazardous Waste Control Account. The fees so deposited may be expended by the department, upon appropriation by the Legislature, for the purposes specified in Section 25174.01.

(h) Notwithstanding subdivision (a), a person who is issued a variance by the department from the requirement of obtaining a hazardous waste facilities permit or grant of interim status is not subject to the fee, for any reporting period following the reporting period in which the variance was granted by the department.

(i) Operators subject to facility fee liability pursuant to this section shall pay the following amounts:

(1) The operator shall pay the applicable facility fee for each reporting period in which the facility actually engaged in the treatment, storage, or disposal of hazardous waste.

(2) The operator shall pay the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in that treatment or storage. The facility's size for that additional reporting period shall be deemed to be the largest size at which the facility has ever been subject to the fee. If the department previously approved a unit or portion of the facility for a variance, closure, or permit-by-rule, the facility's size for that reporting period shall be deemed to be its largest size since the department granted the approval.

(3) The operator of a disposal facility shall pay twice the applicable facility fee for one additional reporting period immediately following the final reporting period in which the facility actually engaged in disposal of hazardous waste.

(4) A facility shall not be deemed to have stopped treating, storing, or disposing of hazardous waste unless it has actually ceased that activity and has notified the department of its intent to close.

(j) (1) Except as provided in Section 25404.5, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period, or portion of a reporting period. The fee for the 2022 reporting period shall be four thousand six hundred dollars ($4,600). The reporting period

shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known owners or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or operator is authorized.

(2) Except as provided in Section 25404.5, a generator operating under a grant of conditional authorization pursuant to Section 25200.3 shall pay a fee to the California Department of Tax and Fee Administration per facility for each reporting period, or portion of a reporting period, unless the generator is subject to a fee under a permit-by-rule. The fee for the 2022 reporting period shall be four thousand six hundred dollars ($4,600). The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known generators operating pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator authorized to operate under a grant of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of notification.

(3) Except as provided in Section 25404.5, the fee for a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 for the 2022 reporting period shall be one hundred eighty dollars ($180) to the California Department of Tax and Fee Administration per facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known facilities performing treatment conditionally exempted by Section 25144.6 or subdivision (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator who notifies the department that the generator is conducting a conditionally exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of the notification.

(k) A treatment facility is not subject to the facility fee established pursuant to this section, if the facility engages in treatment exclusively to accomplish a removal or remedial action or a corrective action in accordance with an order issued by the United States Environmental Protection Agency pursuant to the federal act or in accordance with an order issued by the department pursuant to Section 25187, or if the removal or remedial action is carried out pursuant to a removal action work plan or a remedial action

plan prepared pursuant to Section 25356.1 and is authorized to operate pursuant to Section 25358.9, if the facility was put in operation solely for purposes of complying with that order. The department shall instead assess a fee for that facility for the actual time spent by the department for the inspection and oversight of that facility. The department shall base the fee on the department's work standards and shall assess the fee on an hourly basis.

(*l*) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(m) This section shall become operative on July 1, 2022, and shall apply to the annual facility fees due for the 2022–23 fiscal year, and each fiscal year thereafter.

SEC. 51. Section 25205.2.1 is added to the Health and Safety Code, to read:

25205.2.1. (a) (1) The Board of Environmental Safety shall establish, by regulation, a schedule of rates for the fee authorized by Section 25205.2, to be applicable commencing July 1, 2023, and may adjust the schedule of rates no more frequently than once per year thereafter and no later than October 1 of any year in which the Board of Environmental Safety adopts the schedule of rates.

(2) No later than October 1 of each year, the Board of Environmental Safety shall provide the California Department of Tax and Fee Administration the fee rates that have been established pursuant to this section.

(b) (1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the Hazardous Waste Facilities Account for that fiscal year.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Facilities Account for expenditure, as authorized pursuant to Section 25174.01.

(3) The rates shall allow for a reserve in the Hazardous Waste Facilities Account each year at an amount determined by the Board of Environmental Safety to be sufficient to ensure that all programs funded by the Hazardous Waste Facilities Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.

(c) (1) The rates established pursuant to subdivision (a) shall not exceed the following rates:

(A) The base rate in paragraph (1) of subdivision (b) of Section 25205.2 shall not exceed one hundred eighty-nine thousand eight hundred twenty dollars ($189,820).

(B) The rate for a small facility with a postclosure permit in the first five years of the postclosure period established in paragraph (1) of subdivision

(c) of Section 25205.2 shall not exceed fifty-three thousand nine hundred sixty dollars ($53,960).

(C) The rate for a medium facility with a postclosure permit in the first five years of the postclosure period established in paragraph (2) of subdivision (c) of Section 25205.2 shall not exceed one hundred seven thousand nine hundred twenty dollars ($107,920).

(D) The rate for a large facility with a postclosure permit in the first five years of the postclosure period established in paragraph (3) of subdivision (c) of Section 25205.2 shall not exceed one hundred sixty-one thousand eight hundred eighty dollars ($161,880).

(E) The rate for a small facility with a postclosure permit after the first five years of the postclosure period established in paragraph (1) of subdivision (d) of Section 25205.2 shall not exceed twenty-eight thousand seven hundred fifty dollars ($28,750).

(F) The rate for a medium facility with a postclosure permit after the first five years of the postclosure period established in paragraph (2) of subdivision (d) of Section 25205.2 shall not exceed fifty-seven thousand five hundred dollars ($57,500).

(G) The rate for a large facility with a postclosure permit after the first five years of the postclosure period established in paragraph (3) of subdivision (d) of Section 25205.2 shall not exceed ninety-seven thousand one hundred dollars ($97,100).

(H) The rate for a facility that has been issued a Series A standardized permit established in paragraph (1) of subdivision (f) of Section 25205.2 shall not exceed one hundred ten thousand five hundred sixty dollars ($110,560).

(I) The rate for a facility that has been issued a Series B standardized permit established in paragraph (2) of subdivision (f) of Section 25205.2 shall not exceed fifty-one thousand eight hundred twenty dollars ($51,820).

(J) The rate for a facility that has been issued a Series C standardized permit established in paragraph (3) of subdivision (f) of Section 25205.2 shall not exceed forty-three thousand five hundred twenty dollars ($43,520).

(K) The rate for a facility that has been issued a Series C standardized permit established in paragraph (4) of subdivision (f) of Section 25205.2 shall not exceed twenty-one thousand seven hundred sixty dollars ($21,760).

(L) The rate for a transportable treatment unit operating pursuant to a permit-by-rule established in paragraph (1) of subdivision (j) of Section 25205.2 shall not exceed nine thousand two hundred dollars ($9,200).

(M) The rate for a generator operating under a grant of conditional authorization established in paragraph (2) of subdivision (j) of Section 25205.2 shall not exceed nine thousand two hundred dollars ($9,200).

(N) The rate for a generator performing conditionally exempted treatment established in paragraph (3) of subdivision (j) of Section 25205.2 shall not exceed three hundred sixty dollars ($360).

(2) The rate limits established in this subdivision are the limits for the 2023–24 fiscal year. Beginning with the 2024–25 fiscal year, and for each fiscal year thereafter, the rate limit shall be adjusted annually to reflect

increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) If the Board of Environmental Safety determines the fee revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed by the Board of Environmental Safety shall be adjusted to compensate for the over or under collection of revenue.

(e) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

(f) This section shall become operative on January 1, 2022.

SEC. 52. Section 25205.3 of the Health and Safety Code is amended to read:

25205.3. The following facilities are exempt from the fees imposed by this article:

(a) A household hazardous waste collection facility operated pursuant to Article 10.8 (commencing with Section 25218).

(b) A facility operated by a local government agency, or by any person operating a hazardous waste collection program under an agreement with a public agency, that is used for wastes that meet the requirements of paragraph (3) of subdivision (a) of Section 25174.7.

(c) That portion of a solid waste facility permitted pursuant to Chapter 3 (commencing with Section 44001) of Part 4 of Division 30 of the Public Resources Code, that is used for the segregation, handling, and storage of hazardous waste separated from solid waste loads received by the facility, pursuant to a load checking program.

(d) A facility used solely for the treatment, storage, disposal, or recycling of hazardous waste that results when a public agency or its contractor investigates, removes, or remedies a release of hazardous waste caused by another person.

(e) (1) For purposes of fees assessed in any reporting period beginning July 1, 1990, or subsequently, a facility that has been issued a permit for the purpose of storing hazardous waste onsite, and whose permit has expired, if all of the following has occurred:

(A) The facility has received no waste from offsite since the permit expired.

(B) The owner or operator gave the department timely notification of intent to close the facility, pursuant to regulations adopted by the department.

(C) At least 90 days have elapsed since the owner or operator gave the department that notification.

(D) The department did not complete its review of the closure plan within 90 days of receiving the notification.

(2) This exclusion shall take effect the reporting period following the reporting period in which the facility first satisfied the requirements of paragraph (1) and did not accumulate waste onsite for more than 90 consecutive days.

(f) This section applies only to fees due for the 2021 and earlier reporting periods.

(g) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 53. Section 25205.4 of the Health and Safety Code is amended to read:

25205.4. (a) The base rate for the 2021 reporting period for the facility fee imposed by Section 25205.2 is thirty-five thousand nine hundred forty-three dollars ($35,943).

(b) The determination of the facility fee pursuant to this section, including the redetermination of the base rate, is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) Except as provided in subdivision (e), in computing the facility fees, all of the following shall apply:

(1) The fee to be paid by a ministorage facility shall equal 25 percent of the base facility rate.

(2) The fee to be paid by a small storage facility shall equal the base facility rate.

(3) The fee to be paid by a large storage facility shall equal twice the base facility rate.

(4) The fee to be paid by a minitreatment facility shall equal 50 percent of the base facility rate.

(5) The fee to be paid by a small treatment facility shall equal twice the base facility rate.

(6) The fee to be paid by a large onsite treatment facility shall equal three times the base facility rate.

(7) The fee to be paid by a large offsite treatment facility shall equal three times the base facility rate.

(8) The fee to be paid by a disposal facility shall equal 10 times the base facility rate.

(9) (A) The fee to be paid by a facility with a postclosure permit shall be five thousand seven hundred twenty-five dollars ($5,725) annually for a small facility, eleven thousand four hundred fifty dollars ($11,450) annually for a medium facility, and seventeen thousand one hundred seventy-five dollars ($17,175) for a large facility during the first five years of the postclosure period. The fee to be paid by a facility with a postclosure permit

during the remaining years of the postclosure care period shall be three thousand fifty dollars ($3,050) annually for a small facility, six thousand one hundred dollars ($6,100) annually for a medium facility, and ten thousand three hundred dollars ($10,300) annually for a large facility.

(B) The fees required by subparagraph (A) shall be reduced by 50 percent for any facility for which an agency, other than the department, is the lead agency pursuant to paragraph (1) of subdivision (b) of Section 25204.6.

(d) If a facility falls into more than one category listed in either subdivision (c) or (e), or any combination of categories, or if multiple operations under a single hazardous waste facilities permit or grant of interim status fall into more than one category listed in subdivision (c) or (e), or any combination of categories, the facility operator shall pay only the rate for the facility category that is the highest rate.

(e) Notwithstanding subdivision (c), the facility fee for a facility that has been issued a standardized permit shall be as follows:

(1) The fee to be paid for a facility that has been issued a Series A standardized permit shall be eleven thousand seven hundred thirty dollars ($11,730).

(2) The fee to be paid for a facility that has been issued a Series B standardized permit shall be five thousand four hundred ninety-seven dollars ($5,497).

(3) Except as specified in paragraph (4), the fee to be paid for a facility that has been issued a Series C standardized permit shall be four thousand six hundred seventeen dollars ($4,617).

(4) The fee for a facility that has been issued a Series C standardized permit is two thousand three hundred eight dollars ($2,308) if the facility meets all of the following conditions:

(A) The facility treats not more than 1,500 gallons of liquid hazardous waste and not more than 3,000 pounds of solid hazardous waste in any calendar month.

(B) The total facility storage capacity does not exceed 15,000 gallons of liquid hazardous waste and 30,000 pounds of solid hazardous waste.

(C) If the facility both treats and stores hazardous waste, the facility does not exceed the volume limitations specified in subparagraphs (A) and (B) for each individual activity.

(f) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(g) This section applies only to fees due for the 2021 reporting period and the prepayment due for the 2022 reporting period.

(h) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 54. Section 25205.5 of the Health and Safety Code is amended to read:

25205.5. (a) In addition to the fee imposed pursuant to Section 25174.1, every generator of hazardous waste, in the amounts specified in subdivision (c), shall pay the California Department of Tax and Fee Administration a

generator fee for each generator site for each calendar year, or portion of a calendar year, unless the generator has paid a facility fee or received a credit, as specified in Section 25205.2, for each specific site, for the calendar year for which the generator fee is due.

(b) The base fee rate for the fee imposed pursuant to subdivision (a) is five thousand dollars ($5,000).

(c) (1) Each generator who generates an amount equal to, or more than, five tons, but less than 25 tons, of hazardous waste during the prior calendar year shall pay 5 percent of the base rate.

(2) Each generator who generates an amount equal to, or more than, 25 tons, but less than 50 tons, of hazardous waste during the prior calendar year shall pay 40 percent of the base rate.

(3) Each generator who generates an amount equal to, or more than, 50 tons, but less than 250 tons, of hazardous waste during the prior calendar year shall pay the base rate.

(4) Each generator who generates an amount equal to, or more than, 250 tons, but less than 500 tons, of hazardous waste during the prior calendar year shall pay five times the base rate.

(5) Each generator who generates an amount equal to, or more than, 500 tons, but less than 1,000 tons, of hazardous waste during the prior calendar year shall pay 10 times the base rate.

(6) Each generator who generates an amount equal to, or more than, 1,000 tons, but less than 2,000 tons, of hazardous waste during the prior calendar year shall pay 15 times the base rate.

(7) Each generator who generates an amount equal to, or more than, 2,000 tons of hazardous waste during the prior calendar year shall pay 20 times the base rate.

(d) The base rate established pursuant to subdivision (b) is the base rate for the 2021 calendar year.

(e) The establishment of the annual generator fee pursuant to this section is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) The following materials are not hazardous wastes for purposes of this section:

(1) Hazardous materials that are recycled, and used onsite, and are not transferred offsite.

(2) Aqueous waste treated in a treatment unit operating, or which subsequently operates, pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit which subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or 25201.5 is hazardous waste for purposes of this section.

(g) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(h) (1) A generator who pays a hazardous waste generator inspection fee to a certified unified program agency that is imposed as part of a single

fee system and fee accountability program that are both in compliance with the requirements of Section 25404.5 shall be eligible for a refund of all, or part of, the generator fee paid pursuant to subdivision (a) if both of the following conditions apply:

(A) The generator received a credit pursuant to Section 43152.7 or 43152.11 of the Revenue and Taxation Code for fees paid for hazardous waste generated in 1996.

(B) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are available to pay all or part of the refund.

(2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an application for that refund to the California Department of Tax and Fee Administration by September 30 following the fiscal year during which the generator paid the generator fee pursuant to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be processed by the California Department of Tax and Fee Administration, and shall be returned to the applicant.

(i) (1) A generator who transfers hazardous materials to an offsite facility for recycling at that offsite facility or another offsite facility shall be eligible for a refund of all, or part of, the generator fee paid pursuant to subdivision (a) if all of the following conditions apply:

(A) The offsite facility to which the hazardous materials are manifested pays a facility fee pursuant to Section 25205.2.

(B) The amount of hazardous materials transferred to the offsite facility and recycled there, when deducted from the total tonnage of hazardous waste generated at the generator's site, results in the generator becoming eligible for a generator fee that is lower than the fee paid pursuant to subdivision (a).

(C) The hazardous materials transferred to the offsite facility are not burned in a boiler, industrial furnace, or an incinerator, as those terms are defined in Section 260.10 of Title 40 of the Code of Federal Regulations, used in a manner constituting disposal, or used to produce products that are applied to land.

(D) The department certifies, pursuant to subdivision (b) of Section 25205.9, that funds are available to pay all or part of the refund.

(2) A generator who is eligible for a refund pursuant to paragraph (1) shall submit an application for that refund to the California Department of Tax and Fee Administration by September 30 following the fiscal year during which the generator paid the generator fee pursuant to subdivision (a). An application for a refund postmarked after September 30 is void, shall not be processed by the California Department of Tax and Fee Administration, and shall be returned to the applicant.

(j) (1) The amendment of this section made by Chapter 1125 of the Statutes of 1991 does not constitute a change in, but is declaratory of, existing law.

(2) The amendment of subdivision (a) of this section made by Chapter 259 of the Statutes of 1996 does not constitute a change in, but is declaratory of, existing law.

(k) This section applies only to fees due for the 2021 reporting period, including the prepayments due during each reporting period and the fee due and payable by February 28 of the year following each reporting period.

(*l*) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 55. Section 25205.5 is added to the Health and Safety Code, to read:

25205.5. (a) (1) Except as otherwise provided in this section, a generator of hazardous waste shall pay to the California Department of Tax and Fee Administration a generation and handling fee for each generator site that generates an amount equal to, or more than, five tons for each calendar year, or portion of the calendar year.

(2) For the 2022–23 fiscal year, the fee rate shall be forty-nine dollars and twenty-five cents ($49.25) for each ton or fraction of a ton of hazardous waste generated in calendar year 2021.

(3) Commencing July 1, 2023, the fee rates established pursuant to Section 25205.5.01 shall apply.

(4) For purposes of calculating the amount of the fee imposed pursuant to paragraph (1), a generator of hazardous waste that is issued a hazardous waste facilities permit from the department and that pays the annual facility fee, as specified in Section 25205.2, may deduct, from the amount of hazardous waste otherwise subject to this subdivision that is generated per calendar year, the amount of hazardous waste that is stored, bulked, or transferred solely through the location of the permitted hazardous waste facility and that is in route to another facility that is authorized to do any of the following:

(A) Manage the hazardous waste for reclamation and recovery, including fuel blending before energy recovery at another site.

(B) Manage the hazardous waste through destruction methods or treatment before disposal at another site.

(C) Manage the hazardous waste by any form of treatment.

(D) Dispose of the hazardous waste.

(b) The following materials are not hazardous wastes for purposes of this section:

(1) Hazardous materials that are recycled, and used onsite, and are not transferred offsite.

(2) Aqueous waste treated in a treatment unit operating, or that subsequently operates, pursuant to a permit-by-rule, or pursuant to Section 25200.3 or 25201.5. However, hazardous waste generated by a treatment unit treating waste pursuant to a permit-by-rule, by a unit that subsequently obtains a permit-by-rule, or other authorization pursuant to Section 25200.3 or 25201.5 is hazardous waste for purposes of this section.

(c) The fee imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(d) This section shall become operative on January 1, 2022, and shall apply to the generation and handling fees imposed pursuant to subdivision (a).

SEC. 56. Section 25205.5.01 is added to the Health and Safety Code, immediately following Section 25205.5, to read:

25205.5.01. (a) (1) The Board of Environmental Safety shall establish, by regulation, a schedule of rates for the fee authorized by Section 25205.5, to be applicable commencing July 1, 2023, and may adjust the schedule of rates no more frequently than once per year thereafter and no later than October 1 of any year in which the Board of Environmental Safety adopts the schedule of rates.

(2) No later than October 1 of each year, the board shall provide the California Department of Tax and Fee Administration the fee rates that have been modified pursuant to this section.

(b) (1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the Hazardous Waste Control Account for that purpose.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Hazardous Waste Control Account for expenditure as authorized pursuant to Section 25174.

(3) The rates shall allow for a reserve in the Hazardous Waste Control Account each year at an amount determined by the Board of Environmental Safety to be sufficient to ensure that all programs funded by the Hazardous Waste Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of authorized expenditure levels.

(c) (1) The rate established by the Board of Environmental Safety pursuant to subdivision (a) shall not exceed ninety-eight dollars and fifty cents ($98.50).

(2) The rate limit established in this subdivision is the limit for the 2023–24 fiscal year. Beginning with the 2024–25 fiscal year, and for each fiscal year thereafter, the rate limit shall be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) If the Board of Environmental Safety determines the fee revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the fee rates proposed by the Board of Environmental Safety shall be adjusted to compensate for the over or under collection of revenue.

(e) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the

Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

(f) This section shall become operative on January 1, 2022.

SEC. 57. Section 25205.5.1 of the Health and Safety Code is amended to read:

25205.5.1. Notwithstanding Sections 25174.1 and 25205.5, the department may adopt regulations exempting victims of disasters from the hazardous waste disposal fee imposed pursuant to Section 25174.1 and the generator fee imposed pursuant to Section 25205.5. The regulations may allow that exemption if all of the following apply:

(a) The hazardous waste is generated in a geographical area identified in a state of emergency proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire, flood, storm, earthquake, riot, or civil unrest.

(b) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster.

(c) The hazardous waste is not hazardous waste that is routinely produced as part of a manufacturing or commercial business or that is managed by a hazardous waste facility or a facility operated by a generator of hazardous waste who files a hazardous waste notification statement with the department pursuant to subdivision (a) of Section 25158.

(d) The victim meets any other condition or limitation on eligibility specified by the department.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 58. Section 25205.5.1 is added to the Health and Safety Code, to read:

25205.5.1. Notwithstanding Section 25205.5, the department may adopt regulations exempting victims of disasters from the generation and handling fee imposed pursuant to Section 25205.5. The regulations may allow that exemption if all of the following apply:

(a) The hazardous waste is generated in a geographical area identified in a state of emergency proclamation by the Governor pursuant to Section 8625 of the Government Code because of fire, flood, storm, earthquake, riot, or civil unrest.

(b) The hazardous waste is generated when property owned or controlled by the victim is damaged or destroyed as a result of the disaster.

(c) The hazardous waste is not hazardous waste that is routinely produced as part of a manufacturing or commercial business or that is managed by a hazardous waste facility or a facility operated by a generator of hazardous

waste who files a hazardous waste notification statement with the department pursuant to subdivision (a) of Section 25158.

(d) The victim meets any other condition or limitation on eligibility specified by the department.

(e) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 59. Section 25205.6 of the Health and Safety Code is amended to read:

25205.6. (a) For purposes of this section, "organization" means a corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship.

(b) On or before November 1 of each year, the department shall provide the California Department of Tax and Fee Administration with a schedule of codes that consists of the types of organizations that use, generate, store, or conduct activities in this state related to hazardous materials, as defined in Section 25501, including, but not limited to, hazardous waste. The schedule shall consist of identification codes from one of the following classification systems, as deemed suitable by the department:

(1) The Standard Industrial Classification (SIC) system established by the United States Department of Commerce.

(2) The North American Industry Classification System (NAICS) adopted by the United States Census Bureau.

(c) Each organization of a type identified in the schedule adopted pursuant to subdivision (a) shall pay an annual fee, which shall be set in the following amounts:

(1) Three hundred fifty-seven dollars ($357) for those organizations with 50 or more employees, but fewer than 75 employees.

(2) Six hundred twenty-seven dollars ($627) for those organizations with 75 or more employees, but fewer than 100 employees.

(3) One thousand two hundred forty-four dollars ($1,244) for those organizations with 100 or more employees, but fewer than 250 employees.

(4) Two thousand six hundred sixty-nine dollars ($2,669) for those organizations with 250 or more employees, but fewer than 500 employees.

(5) Four thousand nine hundred eighty-five dollars ($4,985) for those organizations with 500 or more employees, but fewer than 1,000 employees.

(6) Sixteen thousand nine hundred eleven dollars ($16,911) for those organizations with 1,000 or more employees.

(d) The fee imposed pursuant to this section shall be paid by each organization that is identified in the schedule adopted pursuant to subdivision (a) in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be deposited in the Toxic Substances Control Account. The revenues shall be available, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

(e) For purposes of this section, the number of employees employed by an organization is the number of persons employed in this state for more than 500 hours during the calendar year preceding the calendar year in which the fee is due.

(f) The fee rates specified in subdivision (c) are the rates for the 2021 calendar year.

(g) (1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial actions carried out pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(h) This section does not apply to a nonprofit corporation primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition.

(i) This section applies only to the fees due for the 2021 calendar year.

(j) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 60. Section 25205.6 is added to the Health and Safety Code, to read:

25205.6. (a) For purposes of this section, "organization" means a corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship.

(b) On or before October 1 of each year, the department shall provide the California Department of Tax and Fee Administration with a schedule of codes that consists of the types of organizations that use, generate, store, or conduct activities in this state related to hazardous materials, as defined in Section 25501, including, but not limited to, hazardous waste. The schedule shall consist of identification codes from one of the following classification systems, as deemed suitable by the department:

(1) The Standard Industrial Classification (SIC) system established by the United States Department of Commerce.

(2) The North American Industry Classification System (NAICS) adopted by the United States Census Bureau.

(c) (1) Each organization of a type identified in the schedule adopted pursuant to subdivision (a) shall pay an annual fee in accordance with Section

43152.9 of the Revenue and Taxation Code for the fiscal year in which it is assessed.

(2) The annual fee amounts for the 2022–23 fiscal year shall be set at the following amounts:

(A) One thousand two hundred sixty-one dollars ($1,261) for those organizations with 100 or more employees, but fewer than 250 employees.

(B) Two thousand seven hundred six dollars ($2,706) for those organizations with 250 or more employees, but fewer than 500 employees.

(C) Sixteen thousand dollars ($16,000) for those organizations with 500 or more employees, but fewer than 1,000 employees.

(D) Fifty-four thousand one hundred dollars ($54,100) for those organizations with 1,000 or more employees.

(3) Commencing July 1, 2023, the fee rates established pursuant to Section 25205.6.1 shall apply.

(d) The fee imposed pursuant to this section shall be paid by each organization that is identified in the schedule adopted pursuant to subdivision (b) in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code and shall be deposited in the Toxic Substances Control Account. The revenues shall be available, upon appropriation by the Legislature, for the purposes specified in subdivision (b) of Section 25173.6.

(e) For purposes of this section, the number of employees employed by an organization is the number of persons employed in this state for more than 500 hours during the calendar year preceding the calendar year in which the fee is due.

(f) (1) Pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)), the state is obligated to pay specified costs of removal and remedial actions carried out pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9601 et seq.).

(2) The fee rates specified in subdivision (c) are intended to provide sufficient revenues to fund the purposes of subdivision (b) of Section 25173.6, including appropriations in any given fiscal year to fund the state's obligation pursuant to paragraph (3) of subsection (c) of Section 104 of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. Sec. 9604(c)(3)).

(g) This section does not apply to a nonprofit corporation primarily engaged in the provision of residential social and personal care for children, the aged, and special categories of persons with some limits on their ability for self-care, as described in SIC Code 8361 of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition or as described in Codes 623220, 623312, and 623990 of the North American Industry Classification System (NAICS) published by the United States Office of Management and Budget, 2017 edition.

(h) This section shall become operative on January 1, 2022.

SEC. 61. Section 25205.6.1 is added to the Health and Safety Code, to read:

25205.6.1. (a) (1) The Board of Environmental Safety shall establish, by regulation, a schedule of rates for the fees authorized by Section 25205.6 to be applicable commencing July 1, 2023, and may adjust the schedule of rates, no more frequently than once per year and no later than October 1 of any year in which the board adopts the schedule of rates.

(2) No later than October 1 of each year, the Board of Environmental Safety shall provide the California Department of Tax and Fee Administration the fee rates that have been modified pursuant to this section.

(b) (1) The schedule of rates established pursuant to subdivision (a) shall be based on both of the following:

(A) The costs of the administration and collection of fees.

(B) Statewide general administrative costs assessed to the account for that fiscal year.

(2) The total amount of fee revenues collected each fiscal year shall conform with the amounts appropriated by the Legislature for that fiscal year from the Toxic Substances Control Account for expenditure as authorized pursuant to Section 25173.6.

(3) The rates shall allow for a reserve in the Toxic Substances Control Account each year at an amount determined by the board to be sufficient to ensure that all programs funded by the Toxic Substances Control Account will not be adversely affected by any revenue shortfalls or additional baseline expenditure adjustments, but not to exceed 10 percent of the authorized expenditure levels.

(c) (1) The rates established pursuant to subdivision (a) shall be set for the following categories, and shall not exceed the levels noted:

(A) Organizations with 100 or more employees, but fewer than 250 employees. This fee shall not exceed two thousand five hundred twenty-two dollars ($2,522).

(B) Organizations with 250 or more employees, but fewer than 500 employees. This fee shall not exceed five thousand four hundred twelve dollars ($5,412).

(C) Organizations with 500 or more employees, but fewer than 1,000 employees. This fee shall not exceed thirty-two thousand dollars ($32,000).

(D) Organizations with 1,000 or more employees. This fee shall not exceed one hundred eight thousand two hundred dollars ($108,200).

(2) The rate limits established in this subdivision are the limits for the 2023–24 fiscal year. Beginning with the 2024–25 fiscal year, and for each fiscal year thereafter, the rate limits shall be adjusted annually to reflect increases or decreases in the cost of living during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or by a successor agency.

(d) A regulation adopted pursuant to this section may be adopted as an emergency regulation in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code,

and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, and safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, an emergency regulation adopted by the department pursuant to this section shall be filed with, but not be repealed by, the Office of Administrative Law. A regulation adopted pursuant to this section shall remain in effect until repealed by the Board of Environmental Safety.

SEC. 62. Section 25205.9 of the Health and Safety Code is repealed.

SEC. 63. Section 25205.12 of the Health and Safety Code is amended to read:

25205.12. (a) The owner of a hazardous waste facility authorized to operate pursuant to a permit-by-rule, authorized under a grant of conditional authorization pursuant to Section 25200.3, exempted pursuant to subdivision (a) or (c) of Section 25201.5, or exempted pursuant to Section 25144.6 is exempt from the facility fee specified in Section 25205.2 for any activities authorized by the permit-by-rule, under a grant of conditional authorization pursuant to Section 25200.3, exempted pursuant to subdivision (a) or (c) of Section 25201.5, or exempted pursuant to Section 25144.6 at that facility for any year or reporting period during which the facility is operating.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 64. Section 25205.14 of the Health and Safety Code is amended to read:

25205.14. (a) Except as provided in Section 25404.5, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall pay a fee to the California Department of Tax and Fee Administration per facility or transportable treatment unit for each reporting period, or portion of a reporting period. The fee for the 1997 reporting period shall be nine hundred fifty-eight dollars ($958). Until July 1, 1998, the owner or operator of a facility or transportable treatment unit operating pursuant to a permit-by-rule shall also pay a fee in the amount of 50 percent of the fee specified in this subdivision for each modification of the notification required by Sections 67450.2 and 67450.3 of Title 22 of the California Code of Regulations, as those sections read on January 1, 1995, or as those sections may subsequently be amended. Thereafter, the fee shall be adjusted annually by the California Department of Tax and Fee Administration to reflect increases and decreases in the cost of living, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known owners or operators operating pursuant to a permit-by-rule who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax

and Fee Administration of any owner or operator authorized to operate pursuant to a permit-by-rule, who is not exempted from this fee pursuant to Section 25404.5, within 60 days after the owner or operator is authorized.

(b) Except as provided in Section 25404.5, a generator operating under a grant of conditional authorization pursuant to Section 25200.3 shall pay a fee to the California Department of Tax and Fee Administration per facility for each reporting period, or portion of a reporting period, unless the generator is subject to a fee under a permit-by-rule. The fee for the 1997 reporting period shall be nine hundred fifty-eight dollars ($958). Thereafter, the fee shall be adjusted annually by the California Department of Tax and Fee Administration to reflect increases and decreases in the cost of living, during the prior fiscal year, as measured by the Consumer Price Index issued by the Department of Industrial Relations or a successor agency. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known generators operating pursuant to a grant of conditional authorization under Section 25200.3 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator authorized to operate under a grant of conditional authorization, who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of notification.

(c) Except as provided in Section 25404.5, a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay thirty-eight dollars ($38) to the California Department of Tax and Fee Administration per facility for each reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. Until July 1, 1998, a generator performing treatment conditionally exempted pursuant to Section 25144.6 or subdivision (a) or (c) of Section 25201.5 shall pay one hundred dollars ($100) to the California Department of Tax and Fee Administration per facility for the initial operating period, or portion of an initial reporting period, unless that generator is subject to a fee under a permit-by-rule or a conditional authorization pursuant to Section 25200.3. The reporting period shall begin January 1 of each calendar year. On or before January 31 of each calendar year, the department shall notify the California Department of Tax and Fee Administration of all known facilities performing treatment conditionally exempted by Section 25144.6 or subdivision (a) or (c) of Section 25201.5 who are not exempted from this fee pursuant to Section 25404.5. The department shall also notify the California Department of Tax and Fee Administration of any generator who notifies the department that the generator is conducting a conditionally exempt treatment operation, and who is not exempted from this fee pursuant to Section 25404.5, within 60 days of the receipt of the notification.

(d) The fees imposed pursuant to this section shall be paid in accordance with Part 22 (commencing with Section 43001) of Division 2 of the Revenue and Taxation Code.

(e) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 65. Section 25205.15 of the Health and Safety Code is amended to read:

25205.15. (a) Except for the first four manifests used in a calendar year by a business with less than 100 employees, and except as provided in paragraph (2), in addition to any fees to cover printing and distribution costs, the department shall impose a manifest fee of seven dollars and fifty cents ($7.50) for each manifest form or electronic equivalent used by any person, in the following manner:

(1) The department shall bill generators for each manifest form or electronic equivalent. The billing frequency specified by the department may range from monthly to annually, with the payment by the generator required within 30 days from the date of receipt of the billing, and shall be determined based on consultation with the regulated community. In preparing the bills, the department shall distinguish between manifests used solely for recycled hazardous wastes and those used for nonrecycled hazardous wastes. In determining the billing frequency, the department may take into account each person's volume of manifest usage.

(2) (A) The manifest fee shall not be collected on the use of manifest forms that are used solely for hazardous wastes that are recycled.

(B) The manifest fee for each manifest form or electronic equivalent used solely for hazardous waste derived from air compliance solvents shall be three dollars and fifty cents ($3.50). This is in addition to any fees charged to cover printing and distribution costs.

(3) The department shall implement a system for the use of manifest forms that distinguishes among recycling manifests used solely for hazardous wastes that are to be recycled, manifests used solely to transport hazardous waste derived from air compliance solvents, and general manifests that may be used for transporting waste for any purpose.

(4) (A) If a person erroneously reports on a manifest form or electronic equivalent that the manifest is being used for the transport of hazardous wastes that are being shipped for recycling or for the transport of hazardous wastes derived from air compliance solvents rather than the transport of other types of hazardous waste, the person shall pay the seven dollars and fifty cents ($7.50) manifest fee and an additional error correction fee of twenty dollars ($20) per manifest, as required pursuant to Section 25160.5.

(B) Notwithstanding subparagraph (A) the department shall provide the manifest user with a reasonable opportunity to notify the department of any incorrect use of the recycling manifest, as described in subparagraph (A), and to provide the department with the appropriate manifest fee payment without additional fines, penalties, or payment of the error correction fee.

(5) The department may adopt regulations to implement and administer the manifest fee system imposed pursuant to this subdivision.

(b) For purposes of subdivision (a), "manifest" has the same meaning as defined in paragraph (1) of subdivision (a) of Section 25160.

(c) The manifest fees collected pursuant to this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature.

(d) For purposes of this section, "air compliance solvent" means a solvent, including aqueous solutions, that are required or approved for use by regulations adopted by the State Air Resources Board, an air pollution control district, or an air quality management district, to meet air emission standards adopted by that board or district and, pursuant to those regulations, is required to be used instead of another solvent that was used and recycled before the adoption of those regulations.

(e) This section applies only to fees due for the 2021 and earlier reporting periods.

(f) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 66. Section 25205.16 of the Health and Safety Code is amended to read:

25205.16. (a) (1) The department may impose an annual verification fee upon all generators, transporters, and facility operators with 50 or more employees that possess a valid identification number issued either by the department or by the United States Environmental Protection Agency. The fee charged shall be one hundred fifty dollars ($150) for each generator, transporter, and facility operator with 50 or more employees, but fewer than 75 employees; one hundred seventy-five dollars ($175) for each generator, transporter, and facility operator with 75 or more employees, but fewer than 100 employees; two hundred dollars ($200) for each generator, transporter, and facility operator with 100 or more employees, but fewer than 250 employees; two hundred twenty-five dollars ($225) for each generator, transporter, and facility operator with 250 or more employees, but fewer than 500 employees; two hundred fifty dollars ($250) for each generator, transporter, and facility operator with 500 or more employees. However, no generator, transporter, or facility operator shall be assessed fees pursuant to this section that exceed, in total, five thousand dollars ($5,000).

(2) The generator, transporter, or facility operator subject to the fee shall submit payment of the fee within 30 days from the date of receiving a notice of assessment from the department. The notice shall be sent once during each fiscal year to each holder of a valid identification number. The fee imposed by this section shall be deposited in the Hazardous Waste Control Account and be available for expenditure, upon appropriation by the Legislature. For purposes of this section, "employee" shall have the same meaning set forth in Section 25205.6.

(b) The department shall establish an identification number certification system to biennially verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. However, if the number of identification numbers issued since the previous certification exceeds 20 percent of the active identification numbers, the department may implement an annual certification. Each entity issued an identification number shall provide or verify the information specified

in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, California Department of Tax and Fee Administration identification number, SIC code, email address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization's identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

(7) If the firm or organization is a generator, a statement of whether the generator produces RCRA hazardous waste or non-RCRA hazardous waste.

(8) An identification of any of the following hazardous waste activities in which the firm or organization is engaged:

(A) Generation.

(B) Transportation.

(C) Onsite treatment, storage, or disposal.

(9) The waste codes associated with the four largest hazardous waste streams, by volume, of the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and the California waste code shall be verified for non-RCRA hazardous waste.

(c) Any generator, transporter, and facility operator who fails to comply with this section, or who fails to provide information required by the department to verify the accuracy of hazardous waste activity data, shall be subject to suspension of any and all identification numbers assigned to the generator, transporter, or facility operator and to any other authorized enforcement action.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 67. Section 25205.16 is added to the Health and Safety Code, to read:

25205.16. (a) The department shall establish an identification number certification system to annually verify the accuracy of information related to generators, transporters, and facilities authorized to treat, store, or dispose of hazardous waste. Each entity issued an identification number shall provide or verify the information specified in paragraphs (1) to (9), inclusive, when requested by the department. The system shall include the provision or verification of all of the following information:

(1) The name, mailing address, facsimile number, fictitious business name, federal employer number, California Department of Tax and Fee Administration identification number, SIC code, email address, if available, and telephone number of the firm or organization engaged in hazardous waste activities.

(2) The name, mailing address, facsimile number, and telephone number of the owner of the firm or organization.

(3) The name, title, mailing address, facsimile number, and telephone number of a contact person for the firm or organization.

(4) The identification number assigned to the firm or organization.

(5) The site location address or description associated with the firm or organization's identification number provided in paragraph (4).

(6) The number of employees of the firm or organization.

(7) If the firm or organization is a generator, a statement of whether the generator produces RCRA hazardous waste or non-RCRA hazardous waste.

(8) An identification of any of the following hazardous waste activities in which the firm or organization is engaged:

(A) Generation.

(B) Transportation.

(C) Onsite treatment, storage, or disposal.

(9) The waste codes associated with the four largest hazardous waste streams, by volume, of the firm or organization. The federal waste code shall be verified for RCRA hazardous waste and the California waste code shall be verified for non-RCRA hazardous waste.

(b) Any generator, transporter, and facility operator who fails to comply with this section, or who fails to provide information required by the department to verify the accuracy of hazardous waste activity data, shall be subject to suspension of any and all identification numbers assigned to the generator, transporter, or facility operator and to any other authorized enforcement action.

(c) This section shall become operative on January 1, 2022.

SEC. 68. Section 25205.20 of the Health and Safety Code is repealed.

SEC. 69. Section 25205.21 of the Health and Safety Code is amended to read:

25205.21. (a) Notwithstanding Section 25205.4, a disposal facility operator that is a government agency shall be subject to a maximum facility fee of ten thousand dollars ($10,000) for any reporting period of 12 months and five thousand dollars ($5,000) for any reporting period of six months, for that disposal facility for any reporting period in which it did not at any time dispose of hazardous waste during the reporting period. This section shall apply to all reporting periods since the inception of the facility fee up to and including the reporting period ending December 31, 1998.

(b) This section shall not affect the imposition of the annual postclosure facility fee imposed pursuant to Section 25205.2.

SEC. 70. Section 25205.22 of the Health and Safety Code is amended to read:

25205.22. (a) Before January 1, 1996, any person transporting, importing, or receiving non-RCRA hazardous waste imported into this state for purposes of treatment, recycling, or disposal shall be considered the generator of that waste and the facility shall be considered the site of generation for purposes of payment of the generator fee pursuant to Section 25205.5, and the facility operator shall pay the applicable generator fee even if the operator has also paid a facility fee, but a generator fee shall not be assessed for non-RCRA hazardous waste imported before January 1, 1994.

(b) Notwithstanding subdivision (c), any fees due pursuant to this chapter for calendar year 1995 and that are due and payable in calendar year 1996 shall be paid in 1996 in accordance with Section 43152.7 of the Revenue and Taxation Code.

(c) On and after January 1, 1996, any person transporting, importing, or receiving non-RCRA hazardous waste imported into this state for purposes of treatment, recycling, or disposal shall be exempt from the payment of the generator fee imposed pursuant to Section 25205.5 and the generator surcharge imposed pursuant to Section 25205.9.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 71. Section 25205.22 is added to the Health and Safety Code, to read:

25205.22. (a) On and after January 1, 2022, for hazardous waste imported into this state for purposes of treatment, recycling, or disposal, the operator of the facility receiving the imported hazardous waste shall pay the applicable generation and handling fee.

(b) This section shall become operative on January 1, 2022, and shall apply to the generation and handling fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable by February 28 of the year following the reporting period.

SEC. 72. Section 25207.12 of the Health and Safety Code is amended to read:

25207.12. (a) Any eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection in a program established pursuant to this article is exempt from the fees and reimbursements required by Sections 25174.1, 25205.2, 25205.5, and 25205.7, with regard to the wastes submitted for collection.

(b) An eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection is exempt from the hazardous waste facilities permit requirements of Section 25201 with regard to the management of the wastes submitted for collection.

(c) A county operating a collection program in compliance with this article shall not be held liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste that has been properly handled and transported to an authorized hazardous waste treatment or disposal

facility, in compliance with this chapter, at a location other than that of the collection program.

(d) This section applies only to fees due for the 2021 and earlier reporting periods.

(e) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 73. Section 25207.12 is added to the Health and Safety Code, to read:

25207.12. (a) Any eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection in a program established pursuant to this article is exempt from the fees and reimbursements required by Sections 25205.2, 25205.5, and 25205.7, with regard to the wastes submitted for collection.

(b) An eligible participant who submits banned, unregistered, or outdated agricultural wastes for collection is exempt from the hazardous waste facilities permit requirements of Section 25201 with regard to the management of the wastes submitted for collection.

(c) A county operating a collection program in compliance with this article shall not be held liable in any cost recovery action brought pursuant to Section 25360 for any hazardous waste that has been properly handled and transported to an authorized hazardous waste treatment or disposal facility, in compliance with this chapter, at a location other than that of the collection program.

(d) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter, including the prepayments due during the reporting period and the fee due and payable following the reporting period.

SEC. 74. Section 25218.6 of the Health and Safety Code is amended to read:

25218.6. The fees imposed by Article 7 (commencing with Section 25170) and Article 9.1 (commencing with Section 25205.1) do not apply to either of the following:

(a) Hazardous wastes generated or disposed of by a public agency, or its contractor, operating a household hazardous waste collection facility, including, but not limited to, hazardous waste received from CESQGs.

(b) A household hazardous waste collection facility operated in accordance with this article.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 75. Section 25246.1 is added to the Health and Safety Code, to read:

25246.1. (a) (1) The department shall request, and an owner or operator of a facility shall submit to the department for review and approval, a written cost estimate for corrective action if all of the following are met:

(A) The department has identified a release or releases of a hazardous waste or hazardous waste constituent into the environment from the facility.

(B) The source of the release or releases of a hazardous waste or hazardous waste constituent is a hazardous waste facility, hazardous waste management unit, or an activity regulated by the department under this chapter.

(C) The department determines that corrective action is necessary at the facility, either during the active life of the facility or pursuant to an order or agreement for corrective action.

(2) The written cost estimate for corrective action required by paragraph (1) shall be based on available data, the history of releases, and facility activities.

(b) (1) Other than for an obligation for corrective action described in subdivision (a), the department shall request, and an owner or operator of a facility or a respondent or proponent required to conduct corrective action at a facility from which releases that necessitate corrective action have occurred shall submit to the department for review and approval, a written cost estimate to cover activities associated with necessary corrective action if the department determines that corrective action is necessary at any site undergoing a response action, as defined in Chapter 6.8 (commencing with Section 25300), overseen by the department pursuant to its authority in any of the following circumstances:

(A) The department has issued an order, entered into an agreement, or otherwise initiated action with respect to a release at the site, as defined in Chapter 6.8 (commencing with Section 25300), pursuant to Section 25355, 25355.5, or 25358.3.

(B) The source of the release or releases, as defined in Chapter 6.8 (commencing with Section 25300), is a hazardous waste facility, hazardous waste management unit, or an activity regulated by the department under this chapter.

(C) The department is conducting, or has conducted, oversight of the site investigation and response action at the site at the request of the responsible party, as defined in Chapter 6.8 (commencing with Section 25300).

(2) The written cost estimate required pursuant to paragraph (1) shall be based on available data, the history of releases, and activities at the site, as defined in Chapter 6.8 (commencing with Section 25300).

(c) An owner or operator may satisfy the requirements of this section by demonstrating to the department that it has provided financial assurance for corrective action to the State Water Resources Control Board or a California regional water quality control board for the same release identified by the department.

(d) For facilities for which sole jurisdiction has been granted pursuant to subdivision (b) of Section 25204.6, the department shall not require additional financial assurances unless it is the lead agency or is directed by the lead agency that has sole jurisdiction pursuant to subdivision (b) of Section 25204.6. This section does not alter the State Water Resources Control Board's rules and regulations regarding financial assurances.

SEC. 76. Section 25246.2 is added to the Health and Safety Code, to read:

25246.2. (a) All of the following requirements apply if a written cost estimate for corrective action is required pursuant to Section 25246.1:

(1) A corrective action cost estimate shall be based on, and be no less stringent than, the ASTM International Standard E2150.

(2) (A) An owner or operator of a facility requiring corrective action under department oversight shall submit the corrective action cost estimate to the department within 60 days of the department's request.

(B) If the department determines that the corrective action cost estimate is substantially incomplete or includes substantially unsatisfactory information, the department shall provide a written notice of deficiency to the owner or operator of the hazardous waste facility or a respondent or proponent required to conduct corrective action under department oversight at a facility within 60 days of receipt of the corrective action cost estimate.

(C) The owner or operator of the hazardous waste facility or a respondent or proponent required to conduct corrective action under department oversight at a facility shall submit a revised corrective action cost estimate based on the information provided in the written notice of deficiency within 30 days.

(D) The department shall approve or deny the revised corrective action cost estimate within 30 days of receipt of the revised corrective action cost estimate.

(E) If the corrective action cost estimate does not address the information provided in the written notice of deficiency, as determined by the department, the department shall deny the revised corrective action cost estimate and shall, within 60 days of denial of the corrective action cost estimate, develop its own corrective action cost estimate that will be the approved corrective action cost estimate for the facility.

(3) Within 90 days of approval by the department of a corrective action cost estimate, the owner or operator of a hazardous waste facility or a respondent or proponent required to conduct corrective action under department oversight at a facility shall fund the approved corrective action cost estimate or enter into a schedule of compliance for assurances of financial responsibility for completing the corrective action.

(4) If the owner or operator of a hazardous waste facility or a respondent or proponent required to conduct corrective action under department oversight at a facility is required to submit a financial assurance mechanism for corrective action, the financial assurances shall be in the form of a trust fund, surety bond, letter or credit, insurance, or any other mechanism authorized under the federal act and the regulations adopted by the department for financial assurance mechanisms.

(5) The financial assurances for an owner or operator of a hazardous waste facility or a respondent or proponent required to conduct corrective action under department oversight at a facility that is required to submit a financial assurance mechanism for corrective action shall be governed by Section 25355.3.

(b) The department may adopt, and revise, when appropriate, standards and regulations to implement this section. Additionally, the department may

adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to implement this section. The adoption of these regulations shall be declared an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code.

SEC. 77. Section 25250.24 of the Health and Safety Code is amended to read:

25250.24. (a) Except as provided in subdivision (b), any person who generates, receives, stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall comply with all provisions of this chapter.

(b) Used oil that is removed from a motor vehicle and that is subsequently recycled by a recycler who is permitted pursuant to this article shall not be included in the calculation of the amount of hazardous waste generated for purposes of the generator fee imposed pursuant to Section 25205.5.

(c) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 78. Section 25250.24 is added to the Health and Safety Code, to read:

25250.24. (a) A person who generates, receives, stores, transfers, transports, treats, or recycles used oil, unless specifically exempted or unless the used oil is not regulated by the department pursuant to subdivision (b) of Section 25250.1, shall comply with all provisions of this chapter.

(b) This section shall become operative on January 1, 2022, and used oil subject to the provisions of this chapter shall be included in the calculation of the amount of hazardous waste generated for purposes of the generation and handling fee imposed pursuant to Section 25205.5 for the fees due for the 2022 reporting period and thereafter, including the prepayments due following the reporting period and the fee due and payable following the reporting period.

SEC. 79. Section 25355.3 is added to the Health and Safety Code, to read:

25355.3. (a) The department shall require a responsible party who is required to undertake corrective action obligations pursuant to a determination issued pursuant to Section 25246.1 to demonstrate and maintain financial assurances in accordance with this section.

(b) The responsible party shall demonstrate financial assurances within 90 days of approval of a feasibility study and shall maintain financial assurances until all required response actions are complete, as determined by the department.

(c) When submitting a feasibility study, a responsible party shall include a cost estimate for the response action.

(d) (1) For purposes of subdivision (b), the responsible party shall demonstrate and maintain one or more of the financial assurance mechanisms

set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) (A) As an alternative to the financial assurance requirement of paragraph (1), a responsible party may demonstrate and maintain financial assurances by means of a financial assurance mechanism other than those described in paragraph (1), if the alternative financial assurance mechanism has been submitted to, and approved by, the department as being at least equivalent to the financial assurance mechanisms described in paragraph (1).

(B) The department shall evaluate the equivalency of the proposed alternative financial assurance mechanism principally in terms of the certainty of the availability of funds for required corrective action activities and the amount of funds that will be made available. The department shall require the owner or operator to submit any information deemed necessary by the department to make a determination regarding the equivalency of the proposed alternative financial assurance mechanism.

(e) If the source of the release is regulated by the department pursuant to this chapter or Chapter 6.8 (commencing with Section 25300), the department shall waive the financial assurances required by subdivision (a) if the owner or operator of the facility is a federal or state governmental entity, unless the waiver would conflict with applicable law.

(f) A responsible party may satisfy the requirements of this section by demonstrating to the department that it has provided financial assurance for corrective action to the State Water Resources Control Board or a California regional water quality control board for the same release identified by the department.

(g) For sites for which sole jurisdiction has been granted pursuant to subdivision (b) of Section 25204.6, the department shall not require additional financial assurances unless it is the lead agency or is directed by the lead agency that has sole jurisdiction pursuant to subdivision (b) of Section 25204.6.

(h) If the source of the release is not regulated by the department pursuant to Chapter 6.5 (commencing with Section 25100), the department may waive the financial assurances required by subdivision (a) if the department makes one of the following determinations:

(1) The responsible party is a small business and demonstrates all of the following:

(A) The responsible party cannot qualify for any of the financial assurance mechanisms set forth in subdivision (b), (c), or (d) of Section 66265.143 of Title 22 of the California Code of Regulations.

(B) The responsible party financially cannot meet the requirements of subdivision (a) of Section 66265.143 of Title 22 of the California Code of Regulations.

(C) The responsible party is not capable of meeting the eligibility requirements set forth in subdivision (e) of Section 66265.143 of Title 22 of the California Code of Regulations.

(2) The responsible party is a small business and has demonstrated that the responsible party is financially not capable of establishing one of the financial assurance mechanisms set forth in subdivisions (a) to (e), inclusive, of Section 66265.143 of Title 22 of the California Code of Regulations while at the same time financing the response action applicable to the site.

(3) The responsible party is not separately required to demonstrate and maintain a financial assurance mechanism for a response action at a site because all of the following conditions apply:

(A) The site is a multiple responsible party site.

(B) Financial assurances that the response action at the site will be carried out is demonstrated and maintained by a financial assurance mechanism established jointly by all, or some, of the responsible parties.

(C) The financial assurance mechanism specified in subparagraph (B) meets the requirements of subdivisions (a) and (b).

(4) The responsible party is a local governmental entity.

(i) The department shall withdraw a waiver granted pursuant to subdivision (h) if the department determines that the responsible party that obtained the waiver no longer meets the eligibility requirements for the waiver.

(j) The department's duties to implement this section are contingent upon an appropriation by the Legislature for purposes of implementing the requirements of this section.

SEC. 80. Section 25404.5 of the Health and Safety Code is amended to read:

25404.5. (a) (1) Each certified unified program agency shall institute a single fee system, which shall replace the fees levied pursuant to Sections 25201.14 and 25205.14, except for transportable treatment units permitted under Section 25200.2, and which shall also replace any fees levied by a local agency pursuant to Sections 25143.10, 25287, 25513, and 25535.5, or any other fee levied by a local agency specifically to fund the implementation of the provisions specified in subdivision (c) of Section 25404. The single fee system shall additionally include the fee established pursuant to Section 25270.6. Notwithstanding Sections 25143.10, 25201.14, 25287, 25513, and 25535.5, a person who complies with the certified unified program agency's "single fee system" fee shall not be required to pay any fee levied pursuant to those sections, except for transportable treatment units permitted under Section 25200.2.

(2) (A) The governing body of the local certified unified program agency shall establish the amount to be paid by each person regulated by the unified program under the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the certified unified program agency and by any participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3.

(B) The secretary shall establish the amount to be paid when the unified program agency is a state agency.

(3) The fee system may also be designed to recover the necessary and reasonable costs incurred by the certified unified program agency, or a

participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3, in administering provisions other than those specified in subdivision (c) of Section 25404, if the implementation and enforcement of those provisions has been incorporated as part of the unified program by the certified unified program agency pursuant to subdivision (b) of Section 25404.2, and if the single fee system replaces any fees levied as of January 1, 1994, to fund the implementation of those additional provisions.

(4) The amount to be paid by a person regulated by the unified program may be adjusted to account for the differing costs of administering the unified program with respect to that person's regulated activities.

(b) (1) Except as provided in subdivision (d), the single fee system instituted by each certified unified program agency shall include an assessment on each person regulated by the unified program of a surcharge, the amount of which shall be determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under this chapter. The secretary may adjust the amount of the surcharge to be collected by different certified unified program agencies to reflect the different costs incurred by the state agencies in supervising the implementation of the unified program in different jurisdictions, and in supervising the implementation of the unified program in those jurisdictions for which the secretary has waived the assessment of the surcharge pursuant to subdivision (d). The certified unified program agency may itemize the amount of the surcharge on any bill, invoice, or return that the agency sends to a person regulated by the unified program. Each certified unified program agency shall transmit all surcharge revenues collected to the secretary on a quarterly basis. The surcharge shall be deposited in the Unified Program Account, which is hereby created in the General Fund and which may be expended, upon appropriation by the Legislature, by state agencies for the purposes of implementing this chapter.

(2) On or before January 10, 2001, the secretary shall report to the Legislature on whether the number of persons subject to regulation by the unified program in any county is insufficient to support the reasonable and necessary cost of operating the unified program using only the revenues from the fee. The secretary's report shall consider whether the surcharge required by subdivision (a) should include an assessment to be used to supplement the funding of unified program agencies that have a limited number of entities regulated under the unified program.

(c) Each certified unified program agency and the secretary shall, before the institution of the single fee system and the assessment of the surcharge, implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and surcharge are assessed. The fee accountability programs shall include those elements of the requirements of the plan adopted pursuant to former Section 25206, as it read on January 1, 1995, that the secretary determines are appropriate.

(d) The secretary may waive the requirement for a county to assess a surcharge pursuant to subdivision (b), if both of the following conditions apply:

(1) The county meets all of the following conditions:

(A) The county submits an application to the secretary for certification on or before January 1, 1996, that incorporates all of the requirements of this chapter, and includes the county's request for a waiver of the surcharge, and contains documentation that demonstrates, to the satisfaction of the secretary, both of the following:

(i) That the assessment of the surcharge will impose a significant economic burden on most businesses within the county.

(ii) That the combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(B) The application for certification, including the information required by subparagraph (A), is determined by the secretary to be complete, on or before April 30, 1996. The secretary, for good cause, may grant an extension of that deadline of up to 90 days.

(C) The county is certified by the secretary on or before December 31, 1996.

(D) On or before January 1, 1994, the county completed the consolidation of the administration of the hazardous waste generator program, the hazardous materials release response plans and inventories program, and the underground storage tank program, referenced in paragraphs (1), (3), and (4) of subdivision (c) of Section 25404, into a single program within the county's jurisdiction.

(E) The county demonstrates that it will consolidate the administration of all programs specified in subdivision (c) of Section 25404, and that it will also consolidate the administration of at least one additional program that regulates hazardous waste, hazardous substances, or hazardous materials, as specified in subdivision (d) of Section 25404.2, other than the programs specified in subdivision (c) of Section 25404, into a single program to be administered by a single agency in the county's jurisdiction at the time that the county's certification by the secretary becomes effective.

(2) The secretary makes all of the following findings:

(A) The county meets all of the criteria specified in paragraph (1).

(B) The assessment of the surcharge would impose a significant economic burden on most businesses within the county.

(C) The combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) would exceed the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(D) The waiver of the surcharge for those counties applying for and qualifying for a waiver, and the resulting increase in the surcharge for other counties, would not, when considered cumulatively, impose a significant

economic burden on businesses in any other county that does not apply for, or does not meet the criteria for, a waiver of the surcharge.

(e) The secretary shall review all of the requests for a waiver of the surcharge made pursuant to subdivision (d) simultaneously, so as to adequately assess the cumulative impact of granting the requested waivers on businesses in those counties that have not applied, or do not qualify, for a waiver, and shall grant or deny all requests for a waiver of the surcharge within 30 days from the date that the secretary certifies all counties applying, and qualifying, for a waiver. If the secretary finds that the grant of a waiver of the surcharge for all counties applying and qualifying for the waiver will impose a significant economic burden on businesses in one or more other counties, the secretary shall take either of the following actions:

(1) Deny all of the applications for a waiver of the surcharge.

(2) Approve only a portion of the waiver requests for counties meeting the criteria set forth in subdivision (d), to the extent that the approved waivers, when taken as a whole, meet the condition specified in subparagraph (D) of paragraph (2) of subdivision (d). In determining which of the counties' waiver requests to grant, the secretary shall consider all of the following factors:

(A) The relative degree to which the assessment of the surcharge will impose a significant economic burden on most businesses within each county applying and qualifying for a waiver.

(B) The relative degree to which the combined dollar amount of the surcharge and the single fee system to be assessed, pursuant to subdivision (a), by each county applying and qualifying for a waiver exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(C) The relative extent to which each county applying and qualifying for a waiver has incorporated, or will incorporate, upon certification, additional programs pursuant to subdivision (d) of Section 25404.2, into the unified program within the county's jurisdiction.

(f) The secretary may, at any time, terminate a county's waiver of the surcharge granted pursuant to subdivisions (d) and (e) if the secretary determines that the criteria specified in subdivision (d) for the grant of a waiver are no longer met.

(g) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 81. Section 25404.5 is added to the Health and Safety Code, to read:

25404.5. (a) (1) Each certified unified program agency shall institute a single fee system, which shall replace the fees levied pursuant to Sections 25201.14 and 25205.2, except for transportable treatment units permitted under Section 25200.2, and which shall also replace any fees levied by a local agency pursuant to Sections 25143.10, 25287, 25513, and 25535.5, or any other fee levied by a local agency specifically to fund the implementation of the provisions specified in subdivision (c) of Section 25404. The single fee system shall additionally include the fee established

pursuant to Section 25270.6. Notwithstanding Sections 25143.10, 25201.14, 25287, 25513, and 25535.5, a person who complies with the certified unified program agency's "single fee system" fee shall not be required to pay any fee levied pursuant to those sections, except for transportable treatment units permitted under Section 25200.2.

(2) (A) The governing body of the local certified unified program agency shall establish the amount to be paid by each person regulated by the unified program under the single fee system at a level sufficient to pay the necessary and reasonable costs incurred by the certified unified program agency and by any participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3.

(B) The secretary shall establish the amount to be paid when the unified program agency is a state agency.

(3) The fee system may also be designed to recover the necessary and reasonable costs incurred by the certified unified program agency, or a participating agency pursuant to the requirements of subparagraph (E) of paragraph (1) of subdivision (d) of Section 25404.3, in administering provisions other than those specified in subdivision (c) of Section 25404, if the implementation and enforcement of those provisions has been incorporated as part of the unified program by the certified unified program agency pursuant to subdivision (b) of Section 25404.2, and if the single fee system replaces any fees levied as of January 1, 1994, to fund the implementation of those additional provisions.

(4) The amount to be paid by a person regulated by the unified program may be adjusted to account for the differing costs of administering the unified program with respect to that person's regulated activities.

(b) (1) Except as provided in subdivision (d), the single fee system instituted by each certified unified program agency shall include an assessment on each person regulated by the unified program of a surcharge, the amount of which shall be determined by the secretary annually, to cover the necessary and reasonable costs of the state agencies in carrying out their responsibilities under this chapter. The secretary may adjust the amount of the surcharge to be collected by different certified unified program agencies to reflect the different costs incurred by the state agencies in supervising the implementation of the unified program in different jurisdictions, and in supervising the implementation of the unified program in those jurisdictions for which the secretary has waived the assessment of the surcharge pursuant to subdivision (d). The certified unified program agency may itemize the amount of the surcharge on any bill, invoice, or return that the agency sends to a person regulated by the unified program. Each certified unified program agency shall transmit all surcharge revenues collected to the secretary on a quarterly basis. The surcharge shall be deposited in the Unified Program Account, which is hereby created in the General Fund and which may be expended, upon appropriation by the Legislature, by state agencies for the purposes of implementing this chapter.

(2) On or before January 10, 2001, the secretary shall report to the Legislature on whether the number of persons subject to regulation by the

unified program in any county is insufficient to support the reasonable and necessary cost of operating the unified program using only the revenues from the fee. The secretary's report shall consider whether the surcharge required by subdivision (a) should include an assessment to be used to supplement the funding of unified program agencies that have a limited number of entities regulated under the unified program.

(c) Each certified unified program agency and the secretary shall, before the institution of the single fee system and the assessment of the surcharge, implement a fee accountability program designed to encourage more efficient and cost-effective operation of the program for which the single fee and surcharge are assessed. The fee accountability programs shall include those elements of the requirements of the plan adopted pursuant to former Section 25206, as it read on January 1, 1995, that the secretary determines are appropriate.

(d) The secretary may waive the requirement for a county to assess a surcharge pursuant to subdivision (b), if both of the following conditions apply:

(1) The county meets all of the following conditions:

(A) The county submits an application to the secretary for certification on or before January 1, 1996, that incorporates all of the requirements of this chapter, and includes the county's request for a waiver of the surcharge, and contains documentation that demonstrates, to the satisfaction of the secretary, both of the following:

(i) That the assessment of the surcharge will impose a significant economic burden on most businesses within the county.

(ii) That the combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(B) The application for certification, including the information required by subparagraph (A), is determined by the secretary to be complete, on or before April 30, 1996. The secretary, for good cause, may grant an extension of that deadline of up to 90 days.

(C) The county is certified by the secretary on or before December 31, 1996.

(D) On or before January 1, 1994, the county completed the consolidation of the administration of the hazardous waste generator program, the hazardous materials release response plans and inventories program, and the underground storage tank program, referenced in paragraphs (1), (3), and (4) of subdivision (c) of Section 25404, into a single program within the county's jurisdiction.

(E) The county demonstrates that it will consolidate the administration of all programs specified in subdivision (c) of Section 25404, and that it will also consolidate the administration of at least one additional program that regulates hazardous waste, hazardous substances, or hazardous materials, as specified in subdivision (d) of Section 25404.2, other than the programs specified in subdivision (c) of Section 25404, into a single program to be

administered by a single agency in the county's jurisdiction at the time that the county's certification by the secretary becomes effective.

(2) The secretary makes all of the following findings:

(A) The county meets all of the criteria specified in paragraph (1).

(B) The assessment of the surcharge would impose a significant economic burden on most businesses within the county.

(C) The combined dollar amount of the surcharge and the single fee system to be assessed by the county pursuant to subdivision (a) would exceed the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(D) The waiver of the surcharge for those counties applying for and qualifying for a waiver, and the resulting increase in the surcharge for other counties, would not, when considered cumulatively, impose a significant economic burden on businesses in any other county that does not apply for, or does not meet the criteria for, a waiver of the surcharge.

(e) The secretary shall review all of the requests for a waiver of the surcharge made pursuant to subdivision (d) simultaneously, so as to adequately assess the cumulative impact of granting the requested waivers on businesses in those counties that have not applied, or do not qualify, for a waiver, and shall grant or deny all requests for a waiver of the surcharge within 30 days from the date that the secretary certifies all counties applying, and qualifying, for a waiver. If the secretary finds that the grant of a waiver of the surcharge for all counties applying and qualifying for the waiver will impose a significant economic burden on businesses in one or more other counties, the secretary shall take either of the following actions:

(1) Deny all of the applications for a waiver of the surcharge.

(2) Approve only a portion of the waiver requests for counties meeting the criteria set forth in subdivision (d), to the extent that the approved waivers, when taken as a whole, meet the condition specified in subparagraph (D) of paragraph (2) of subdivision (d). In determining which of the counties' waiver requests to grant, the secretary shall consider all of the following factors:

(A) The relative degree to which the assessment of the surcharge will impose a significant economic burden on most businesses within each county applying and qualifying for a waiver.

(B) The relative degree to which the combined dollar amount of the surcharge and the single fee system to be assessed, pursuant to subdivision (a), by each county applying and qualifying for a waiver exceeds the combined dollar amount of all existing fees that are replaced by the single fee system for most businesses within the county.

(C) The relative extent to which each county applying and qualifying for a waiver has incorporated, or will incorporate, upon certification, additional programs pursuant to subdivision (d) of Section 25404.2, into the unified program within the county's jurisdiction.

(f) The secretary may, at any time, terminate a county's waiver of the surcharge granted pursuant to subdivisions (d) and (e) if the secretary

determines that the criteria specified in subdivision (d) for the grant of a waiver are no longer met.

(g) This section shall become operative on July 1, 2022.

SEC. 82. Section 43002.3 of the Revenue and Taxation Code is amended to read:

43002.3. (a) For purposes of the collection of the fees specified in subdivision (a) of Section 25174 and the fee imposed pursuant to Section 25174.1 of the Health and Safety Code, a determination by the Department of Toxic Substances Control that a waste is nonhazardous shall be effective only for wastes disposed of, or submitted for disposal, commencing with the month during which the Department of Toxic Substances Control receives a completed application for that determination.

(b) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(c) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 83. Section 43002.3 is added to the Revenue and Taxation Code, to read:

43002.3. (a) For purposes of the collection of the fees specified in subdivision (a) of Section 25174 of the Health and Safety Code, a determination by the Department of Toxic Substances Control that a waste is nonhazardous shall be effective only for wastes generated and handled commencing with the month during which the Department of Toxic Substances Control receives a completed application for that determination.

(b) This section shall become operative on July 1, 2022, and shall apply to the fees due after the June 2022 reporting period, including the prepayments due following the reporting period and the fee due and payable following the reporting period.

SEC. 84. Section 43005.5 of the Revenue and Taxation Code is repealed.

SEC. 85. Section 43012 of the Revenue and Taxation Code is amended to read:

43012. (a) For purposes of this part, "taxpayer" means any person liable for the payment of a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and Safety Code or subdivision (a) of Section 25174 of the Health and Safety Code, or imposed by Section 25174.1 or 105310 of the Health and Safety Code.

(b) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 86. Section 43012 is added to the Revenue and Taxation Code, to read:

43012. (a) For purposes of this part, "taxpayer" means a person liable for the payment of a fee or a tax specified in paragraph (1) of subdivision (a) of Section 25173.6 of the Health and Safety Code, paragraph (1) of subdivision (a) of Section 25174 of the Health and Safety Code, paragraph (1) of subdivision (a) of Section 25174.01 of the Health and Safety Code, or imposed by Section 105310 of the Health and Safety Code.

(b) This section shall become operative on January 1, 2022, and shall apply to the fees due for the 2022 reporting period and thereafter.

SEC. 87. Section 43051 of the Revenue and Taxation Code is amended to read:

43051. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code shall be administered and collected by the California Department of Tax and Fee Administration in accordance with this part.

(b) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(c) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 88. Section 43053 of the Revenue and Taxation Code is amended to read:

43053. The fees imposed pursuant to Sections 25205.2 and 25205.5 of the Health and Safety Code shall be administered and collected by the California Department of Tax and Fee Administration in accordance with this part.

SEC. 89. Section 43054 of the Revenue and Taxation Code is amended to read:

43054. The fees imposed pursuant to Section 25205.6 of the Health and Safety Code shall be administered and collected by the California Department of Tax and Fee Administration in accordance with this part.

SEC. 90. Section 43055 of the Revenue and Taxation Code is repealed.

SEC. 91. Section 43101 of the Revenue and Taxation Code is amended to read:

43101. Every person, as defined in Section 25118 of the Health and Safety Code, who is subject to the fees specified in Section 105190 of the Health and Safety Code or imposed pursuant to Section 25205.2, 25205.5, or 25205.6 of the Health and Safety Code shall register with the California Department of Tax and Fee Administration on forms provided by the California Department of Tax and Fee Administration.

SEC. 92. Section 43151 of the Revenue and Taxation Code is amended to read:

43151. (a) The fee imposed pursuant to Section 25174.1 of the Health and Safety Code, which is a tax collected and administered under Section 43051, is due and payable to the California Department of Tax and Fee Administration monthly on or before the last day of the third calendar month following the end of the calendar month for which the fee is due. Each taxpayer shall, on or before the last day of the third calendar month following the end of the calendar month for which the fee is due, make out a tax return for the calendar month, in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media in accordance with subdivision (c). The taxpayer shall deliver the return, together with a remittance of the amount of fee due, to the office of the California Department of Tax and Fee Administration on or before the last day of the third calendar month following the end of the calendar month for which the fee is due. Returns shall be authenticated

in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(b) With the approval of the California Department of Tax and Fee Administration, a taxpayer who has more than one facility subject to the taxes collected and administered under this chapter, may file a combined tax return covering operations at more than one, or all, of those facilities.

(c) The form required to be submitted by the taxpayer pursuant to this section shall show, for the taxpayer and for each person from whom the taxpayer accepted hazardous waste for disposal, all of the following:

(1) The total amount of hazardous waste subject to the tax and the amount of the tax for the period covered by the return.

(2) The amount of hazardous waste disposed during the tax period that is in each of the fee categories described in Section 25174.6 of the Health and Safety Code, and the amount of disposal fees paid for each of those categories.

(3) The amount of hazardous waste received for disposal by the taxpayer's facility or facilities that is exempt from the payment of disposal fees pursuant to Section 25174.7 of the Health and Safety Code, including a copy of any written documentation provided for any shipment or shipments of hazardous waste received by a facility.

(4) The amount of RCRA hazardous waste that is treated by the taxpayer so that the waste is considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to paragraph (2) of subdivision (b) of Section 25174.6.

(d) (1) Each taxpayer shall maintain records documenting all of the following information for each person who has submitted hazardous waste for disposal by the taxpayer during each calendar month and shall make those records available for review and inspection at the request of the California Department of Tax and Fee Administration or the department:

(A) The tonnage of hazardous waste submitted for disposal.

(B) The type of hazardous waste disposed as specified by Section 25174.6 of the Health and Safety Code, including both of the following:

(i) Any characterization of the hazardous waste made by the person submitting the hazardous waste for disposal.

(ii) Any other documentation that the taxpayer maintains regarding the type of hazardous waste disposed to land.

(C) Any representation made by the person submitting the hazardous waste regarding any exemptions that may be applicable to the payment of disposal fees.

(D) For any RCRA hazardous waste that is treated by the taxpayer so that the waste is considered to be non-RCRA hazardous waste for purposes of the disposal fee, pursuant to paragraph (2) of subdivision (b) of Section 25174.6, all of the following information:

(i) The tonnage and type of hazardous waste.

(ii) The method or methods used to treat the hazardous waste.

(iii) Operating records documenting the treatment activity.

(iv) Representative and statistical waste sampling and analysis data demonstrating that the waste is no longer RCRA hazardous waste at the time of disposal.

(2) If the hazardous wastes submitted for disposal were accompanied by a manifest, the information specified in paragraph (1) shall be maintained by manifest number for each calendar month.

(e) This section applies only to fees due through the June 2022 reporting period and earlier reporting periods.

(f) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 93. Section 43152 of the Revenue and Taxation Code is amended to read:

43152. (a) The California Department of Tax and Fee Administration shall establish and annually submit to each feepayer a consolidated statement of fees required to be paid by the feepayer to the California Department of Tax and Fee Administration pursuant to Sections 25205.2, 25205.5, and 25205.6 of the Health and Safety Code.

(b) Notwithstanding any other law, any return or other document that is required to be submitted by a feepayer to the California Department of Tax and Fee Administration in connection with the payment of any fee specified in subdivision (a) shall instead be submitted together with the consolidated statement made pursuant to subdivision (a).

SEC. 94. Section 43152.6 of the Revenue and Taxation Code is amended to read:

43152.6. (a) The fee imposed pursuant to Section 25205.2 of the Health and Safety Code that is collected and administered under Section 43053 of this code is due and payable to the California Department of Tax and Fee Administration annually on or before the last day of the second month following the end of the calendar year.

(b) Except as provided in subdivision (d), every operator of a facility subject to the fee imposed pursuant to Section 25205.2 of the Health and Safety Code shall file a return in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) For purposes of subdivision (a), the operator of a facility shall pay the applicable fee based on the type and size of the facility, as specified in Section 25205.2 of the Health and Safety Code.

(d) The California Department of Tax and Fee Administration may prescribe the method and manner for payment of the first prepayment of the 2022 reporting period.

(e) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 95. Section 43152.6 is added to the Revenue and Taxation Code, to read:

43152.6. (a) The fee imposed pursuant to Section 25205.2 of the Health and Safety Code that is collected and administered under Section 43053 of this code is due and payable to the California Department of Tax and Fee Administration in two equal installments, on or before November 30 and February 28 of each fiscal year.

(b) Every operator of a facility subject to the fee imposed pursuant to Section 25205.2 of the Health and Safety Code shall file a fiscal year return accompanying the second installment payment required pursuant to subdivision (a), in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be filed with the California Department of Tax and Fee Administration using electronic media and authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) For purposes of subdivision (a), the operator of a facility shall pay the applicable fee based on the type and size of the facility, as specified in Section 25205.2 of the Health and Safety Code.

(d) This section shall become operative on July 1, 2022, and shall apply to the fees due for the 2022–23 fiscal year and thereafter.

SEC. 96. Section 43152.7 of the Revenue and Taxation Code is amended to read:

43152.7. (a) The fee imposed pursuant to Section 25205.5 of the Health and Safety Code that is collected and administered under Section 43053 is due and payable on the last day of the second month following the end of the calendar year.

(b) Every generator subject to the fee imposed pursuant to Section 25205.5 of the Health and Safety Code shall file an annual return in the form as prescribed by the California Department of Tax and Fee Administration, which may include, but not be limited to, electronic media and pay the proper amount of fee due. The board shall credit the prepayment made pursuant to Section 43152.15 against the amount due with the annual return. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) The fee imposed by Section 25205.5 of the Health and Safety Code shall be offset by any fees paid by the generator for the preceding calendar year for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the department. The amount of the credit provided under this subdivision shall not exceed an amount equal to the fees paid to the local agency or the generator fee due under Section 25205.5 of the Health and Safety Code, whichever is less. The credit for local fees paid shall not include fees required under Chapter 6.7 (commencing with Section 25280) or Chapter 6.95 (commencing with Section 25500) of Division 20 of the Health and Safety Code.

(d) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 97. Section 43152.7 is added to the Revenue and Taxation Code, to read:

43152.7. (a) The fee imposed pursuant to Section 25205.5 of the Health and Safety Code that is collected and administered under Section 43053 is due and payable in two equal installments, on or before November 30 and February 28 of each fiscal year.

(b) Every generator subject to the fee imposed pursuant to Section 25205.5 of the Health and Safety Code shall file an annual return, accompanying the second installment payment required pursuant to subdivision (a), in the form prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

(c) This section shall become operative on July 1, 2022.

SEC. 98. Section 43152.8 of the Revenue and Taxation Code is amended to read:

43152.8. The department shall notify the California Department of Tax and Fee Administration of the occurrence of either of the following:

(a) The issuance of a hazardous waste facilities permit or grant of interim status to any facility operator, who has not previously been granted interim status, within 30 days after the facility permit or grant of interim status is issued.

(b) When any facility changes size or type specified in Section 25205.2 of the Health and Safety Code.

SEC. 99. Section 43152.9 of the Revenue and Taxation Code is amended to read:

43152.9. (a) The fee imposed pursuant to Section 25205.6 of the Health and Safety Code, which is collected and administered under Section 43054, is due and payable on the last day of the second month following the end of the calendar year.

(b) Every corporation, limited liability company, limited partnership, limited liability partnership, general partnership, and sole proprietorship subject to the fee imposed pursuant to Section 25205.6 of the Health and Safety Code shall file an annual return in the form as prescribed by the California Department of Tax and Fee Administration, and pay the proper amount of fee due. Returns shall be filed with the California Department of Tax and Fee Administration using electronic media and authenticated in a form or pursuant to methods as may be prescribed by the California Department of Tax and Fee Administration.

SEC. 100. Section 43152.11 of the Revenue and Taxation Code is repealed.

SEC. 101. Section 43152.12 of the Revenue and Taxation Code is amended to read:

43152.12. (a) In addition to the requirements imposed pursuant to Section 43152.6, every operator of a facility subject to the fee specified in Section 25205.2 of the Health and Safety Code shall make two prepayments of the fee to the board, which are due and payable on or before the last day

of February and the last day of August of each calendar year. Each prepayment shall be accompanied by a prepayment return in a form prescribed by the board.

(b) For purposes of subdivision (a), the amount of each prepayment shall be not less than 50 percent of the applicable fee imposed on the facility, based on the facility's type and size, as stated on the hazardous waste facilities permit, interim status document, or Part A application, or as specified in Section 25205.2 of the Health and Safety Code.

(c) The board shall credit the amount of the prepayments against the amount of the fee due and payable for the reporting period in which the prepayments are due.

(d) Any person required to make a prepayment pursuant to this section who fails to make a prepayment by the due dates specified in subdivision (a) shall also pay the penalties and interest in accordance with Section 43155.

(e) This section applies only to fees due through the first prepayment of the 2022 reporting period and for earlier reporting periods.

(f) This section shall become inoperative on July 1, 2022, and, as of January 1, 2023, is repealed.

SEC. 102. Section 43152.15 of the Revenue and Taxation Code is amended to read:

43152.15. (a) In addition to the requirements imposed pursuant to Section 43152.7, a generator subject to the fees specified in Sections 25205.5 and 25205.9 of the Health and Safety Code shall make a prepayment of the fee by site to the California Department of Tax and Fee Administration that is due and payable on or before the last day of August of each calendar year. The prepayment shall be accompanied by a prepayment return in a form prescribed by the California Department of Tax and Fee Administration.

(b) For purposes of subdivision (a), the amount of the prepayment shall be not less than either of the following:

(1) One hundred percent of the applicable fee imposed on the generator, based on the generator's fee category as specified in Section 25205.5 of the Health and Safety Code for the total volume of hazardous waste generated by site during the period January 1 to June 30, inclusive, of the current calendar year in which the prepayment is due. The prepayment may be offset by fees paid by the generator for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the department that includes both of the following:

(A) The local fees are paid for the current calendar year for which the prepayment is due or the local fees are paid for the preceding calendar year, if fees have not been paid for the current year.

(B) The offset is subject to the limitations and requirements specified in subdivision (c) of Section 43152.7.

(2) Fifty percent of the generator fee liability paid to the California Department of Tax and Fee Administration by site for the preceding calendar year provided the generator paid a generator fee liability to the California Department of Tax and Fee Administration for the preceding calendar year for that site.

(c) The California Department of Tax and Fee Administration shall credit the amount of the prepayment against the amount of the fee due and payable for the calendar year in which the prepayment is due.

(d) Notwithstanding any other provision in this section, the prepayment of a generator fee shall not be required for any amount due that is less than five hundred dollars ($500), or for any other amount due if the California Department of Tax and Fee Administration determines that prepayment is not in the best economic interest of the program.

(e) Any person required to make a prepayment pursuant to this section who fails to make a prepayment by the due date specified in subdivision (a) shall also pay penalties and interest in accordance with Section 43155.

(f) This section applies only to fees due for the 2021 and earlier reporting periods.

(g) This section shall remain in effect only until January 1, 2022, and as of that date is repealed.

SEC. 103. Section 43152.16 of the Revenue and Taxation Code is repealed.

SEC. 104. Section 43153 of the Revenue and Taxation Code is repealed.

SEC. 105. Section 43160 of the Revenue and Taxation Code is amended to read:

43160. Every person who is required to file the returns and make the payments specified in Section 43151, 43152.6, 43152.7, 43152.9, 43152.13, or 43152.14 shall, upon transfer or discontinuance of operations, file closing returns on forms prescribed by the board. The closing returns shall be due and payable on the last day of the month following the end of the quarterly period in which the transfer or discontinuance takes place.

SEC. 106. (a) The total sum of eight hundred twenty-two million four hundred thousand dollars ($822,400,000) is hereby appropriated from the General Fund and the Toxic Substances Control Account established pursuant to Section 25173.6 of the Health and Safety Code to the Department of Toxic Substances Control to be released according to the following schedule and for the following purposes:

(1) (A) For the 2021–22 fiscal year, four hundred thirty-one million four hundred thousand dollars ($431,400,000).

(B) Of the amount specified in subparagraph (A), three hundred million dollars ($300,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(iii) A job and development training program prioritizing local hires to promote public health and community engagement, promote equity and environmental justice, and support the local economy.

(iv) A program to provide technical assistance grants to groups of individuals in communities impacted by a release or a potential release of a hazardous material. The goal of these grants is to provide community members with technical information to understand and contribute to response actions that comply with applicable laws. The Department of Toxic Substances Control may award the grants to pay for any of the following:

(I) A qualified, independent entity to assist in the creation or interpretation of information on the nature of the hazard or potential hazard of a release or potential release of a hazardous material.

(II) A qualified, independent entity to assist in the interpretation of information produced as part of a site investigation or as part of any other type of response action for a release or potential release, including the operation and maintenance of a response action.

(III) A qualified, independent entity to conduct confirmation sampling related to a release or potential release of a hazardous material.

(v) To assist in the development of a forum that represents communities across California impacted by the Department of Toxic Substances Control's programs and activities and to provide environmental justice advice, consultation, and recommendations to the Director of Toxic Substances Control and the Board of Environmental Safety.

(vi) To implement Section 25135 of the Health and Safety Code in the 2021–22 fiscal year.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to one hundred thirty-one million four hundred thousand dollars ($131,400,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(2) (A) For the 2022–23 fiscal year, two hundred million dollars ($200,000,000).

(B) Of the amount specified in subparagraph (A), one hundred million dollars ($100,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of

community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to one hundred million dollars ($100,000,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(3) (A) For the 2023–24 fiscal year, one hundred ninety-one million dollars ($191,000,000).

(B) Of the amount specified in subparagraph (A), one hundred million dollars ($100,000,000) shall be allocated from the General Fund for the following:

(i) The discovery, cleanup, and investigation of contaminated properties with a priority on sites that are in communities with high cumulative environmental burdens and proximity to sensitive receptors. The Department of Toxic Substances Control shall, to the extent feasible, require the use of community benefit agreements for those sites where a responsible party has been identified and is available.

(ii) A grant program, modeled after the grant program established under Section 9604(k) of Title 42 of the United States Code, to fund response actions, as defined by Section 25323.3 of the Health and Safety Code, at brownfield sites.

(C) Of the amount specified in subparagraph (A), the Director of Finance may transfer up to ninety-one million dollars ($91,000,000) as a loan from the General Fund to the Toxic Substances Control Account. The loaned moneys are hereby appropriated in that same amount from the account for use by the Department of Toxic Substances Control for the following purposes:

(i) Activities related to the cleanup and investigation of properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(ii) Notwithstanding Section 25173.6 of the Health and Safety Code, job training activities related to the cleanup and investigation of the properties contaminated with lead in the communities surrounding the former Exide Technologies facility in the City of Vernon.

(b) (1) All funds recovered from potentially responsible parties for the former Exide Technologies facility in the City of Vernon shall be used to repay the loans made pursuant to subdivision (a). If the amount of moneys received from the cost recovery efforts is insufficient to fully repay the loans made pursuant to subdivision (a), the Director of Finance may forgive any remaining balance if, at least 90 days before forgiving any balance, the Director of Finance submits a notification to the Joint Legislative Budget Committee.

(2) Notwithstanding any other law, the funding appropriated in this subdivision shall be available for encumbrance for three fiscal years after the fiscal year in which the funds are released.

(c) The Department of Toxic Substances Control may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) It is the intent of the Legislature that the funds appropriated pursuant to subdivision (a) be used to decrease environmental burdens on disadvantaged communities and not create an increased obligation to the state to fund the cleanup of orphan sites.

(e) The Board of Environmental Safety shall conduct an analysis of the expenditure of funds allocated by the Department of Toxic Substances Control for the purposes specified in subparagraph (B) of paragraph (1) of, subparagraph (B) of paragraph (2) of, and subparagraph (B) of paragraph (3) of, subdivision (a), on an annual basis until the funds have been entirely liquidated by the Department of Toxic Substances Control. This analysis shall include the subsequent uses of the sites that have undergone investigation or cleanup in order to make recommendations to the Legislature on future expenditures of state funds for cleanup. In its analysis, the board shall also evaluate the public health benefits that those investigations or cleanups have created for the communities in which the sites are located.

(f) This section does not expand any obligation of the state to provide resources for cleanup of orphan sites beyond the funds appropriated in subdivision (a).

SEC. 107. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 108. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article

IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

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